



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## SENATE

FINANCE AND PUBLIC ADMINISTRATION  
LEGISLATION COMMITTEE

**Consideration of Additional Estimates**

MONDAY, 18 FEBRUARY 2002

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**SENATE**

**FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE**

**Monday, 18 February 2002**

**Members:** Senators Brandis, Faulkner, Forshaw, Lightfoot, Mason and Murray

**Participating members:** Senators Harradine and Ridgeway

**Senators in attendance:** Senators Brandis, Collins, Conroy, Cook, Evans, Faulkner, Ferguson, Forshaw, Lightfoot, Ludwig, Mackay, Mason and Murray

**Committee met at 9.07 a.m.**

**PARLIAMENT**

**In Attendance**

Senator the Hon. Margaret Reid, President of the Senate

**Department of the Senate**

Mr Harry Evans, Clerk of the Senate

Ms Anne Lynch, Deputy Clerk of the Senate

Mr Cleaver Elliott, Clerk Assistant (Procedure)

Dr Rosemary Laing, Clerk Assistant (Table)

Mr John Vander Wyk, Clerk Assistant (Committee) and Acting Clerk Assistant (Corporate Management)

Ms Andrea Griffiths, Usher of the Black Rod

Mr Graeme Nankervis, Director, Financial Management

Ms Denise Gordon, Director, Human Resource Management

Mr Mike Lucas, Security Controller

**Department of the Parliamentary Library**

**General**

Mr John Templeton, Secretary

Mr Rob Johnston, Assistant Secretary, Resource Management

**Outputs 1 and 2**

Dr June Verrier, Head, Information and Research Services

Ms Nola Adcock, Deputy Head, Information and Research Services

Miss Ros Membrey, Head, Resource Development

**Department of the Parliamentary Reporting Staff**

Mr John Templeton, Secretary

Ms Val Barrett, Group Manager, Client Services

Mr Peter Ward, Group Manager, Technical Services

Mr John Walsh, Group Manager, Corporate and Strategic Development

Ms Helen Jauncey, Assistant Director, Financial Services

**Joint House Department**

Mr Michael Bolton, Secretary

Mr Robert Wedgwood, Executive Leader (Support)

Mr Andrew Smith, Executive Leader (Operations)

Mr Michael Laugesen, Director, Financial Resources

Mr Peter Crowe, Director, Facilities

**CHAIR**—I declare open this public hearing of the Senate Finance and Public Administration Legislation Committee. On 14 February 2002 the Senate referred to the committee for examination the following documents: Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2001; *Particulars of proposed additional expenditure for the service of the year ending on 30 June 2002*, that is **Appropriation Bill (No. 3) 2001-2002**; *Particulars of certain proposed additional expenditure in respect of the year ending 30 June 2002*, that is **Appropriation Bill (No. 4) 2001-2002**; *Particulars of proposed additional expenditure in relation to the parliamentary departments in respect of the year ending 30 June 2002*, that is **Appropriation (Parliamentary Departments) Bill (No. 2) 2001-2002**; Statement of savings expected in annual appropriations made by Act No. 64 of 2001, that is Appropriation Act (No. 1), Act No. 65 of 2001, Act No. 66 of 2001; and finally the final budget outcome of 2000-01.

The committee is required to consider these documents insofar as they refer to the portfolios allocated to this committee by the Senate on 13 February 2002 and to report to the Senate on or before 13 March 2002. The committee may also examine the annual reports of departments and agencies at this time even if no additional appropriations have been sought. Agencies which are not listed on the program may have written questions on notice directed to them. The committee has set Wednesday, 27 March 2002 as the date for the submission of written answers to questions taken on notice. The hearing today will commence with the parliamentary departments, followed by the Prime Minister and Cabinet portfolio. The examination of the Finance and Administration portfolio will commence tomorrow, 19 February. I propose to proceed by opening with general questions and then calling on the outcomes and outputs in the order listed on the agenda.

I remind officers that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the parliament or its committees unless the parliament has expressly provided otherwise. I further remind officers that an officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. Evidence given to the committee is protected by parliamentary privilege. I also remind you that the giving of false or misleading evidence to the committee may constitute a contempt of the Senate.

[9.10 a.m.]

#### **Department of the Senate**

**CHAIR**—I welcome the President of the Senate, Senator Reid, and officers from the Department of the Senate. Senator Reid, do you wish to make an opening statement?

**The PRESIDENT**—No.

**CHAIR**—Thank you very much. Are there any general questions?

**Senator FAULKNER**—I have one or two. Madam President, I wondered if you could briefly outline to the Senate what the situation is in relation to press photography from the Senate galleries while the Senate is sitting, given that there was some speculation about changes to this particular area in the House of Representatives over the break.

**The PRESIDENT**—There has been no change in relation to the way the Senate operates from the time I came into this position. The television cameras operate constantly and they may photograph or depict the person who has the call at the time. They are not allowed to roam around the chamber; the person who has the call is the one who is focused on. As far as still cameras are concerned, we have an arrangement that has existed for some time. During question time, cameramen are allowed in for half an hour, and three at a time—three on any one occasion. They may only take pictures of the person who has the call.

**Senator FAULKNER**—Did the Senate receive any proposals or suggestions that that situation might be changed?

**The PRESIDENT**—During last year there were discussions with the press gallery—Malcolm Farr in particular—for some time with the Speaker and I about what happens. The Senate has adhered to what happens. Every now and again there is a request for something else to happen; it usually goes to Black Rod and then comes to me if it is a bit different. Some are allowed and some are not. If it comes into a different category I usually ring around to the leaders' offices and the Independents and get a view as to whether or not most of the Senate are of a mind to agree to something or not. The same sort of procedure operates a bit with filming around the place as well—there are quite a lot of requests to film other than in the chamber. But as far as the chamber is concerned, it basically in the end would be a matter for the Senate to determine what happens. Meantime, what I have explained to you is what does happen. A senator on occasion will ask if they can be photographed while they are making a speech or doing something, and I think mostly that would be agreed to.

**Senator FAULKNER**—But the point is that the only approaches you have had to change the current regime have come from the press gallery?

**The PRESIDENT**—The press gallery would like to be able to use still cameras to photograph at any time that they wished—whatever they liked, in a sense.

**Senator FAULKNER**—I appreciate that. How does such a request progress its way through the Senate bureaucracy? A request is made to you by the press gallery—I assume it is you in a formal sense. How is such a request progressed? How does the Senate determine what its approach might be? Would you take this to the Procedure Committee? Would you talk informally to senior senators? What is the approach?

**The PRESIDENT**—I would perhaps talk informally to leaders. It could come before the Procedure Committee. It could come straight before the Senate. Any senator could bring a motion into the chamber and then the Senate might decide to send it to a Procedure Committee meeting, or they might decide to deal with it in the chamber themselves.

**Senator FAULKNER**—What is your own view of the current arrangements? Do you think they are a reasonable balance, satisfactory, or what?

**The PRESIDENT**—I think it works quite well. I know that still cameramen and the newspapers would like greater opportunities. They make the case that it is a public place and they should be able to take pictures, but other people aren't able to. It is a very select group that is asking for the right to take pictures. The general public have their cameras taken from them before they come into the galleries. They are not allowed to come in and take a picture of their favourite senator, of the empty seats or of people reading newspapers. I think there need to be some rules about how it happens. Your seat can be empty on occasions, Senator Faulkner, and I would not be happy for people—

**Senator FAULKNER**—Not on as many occasions as I would like, Madam President.

**The PRESIDENT**—Precisely. Personally, I would not think it appropriate for people to take a picture of the table when you and Senator Hill were not present and then make something of it: ‘You were not there while this was being said.’ The concept of taking a photograph, on occasions, of the person who has the call seems to me to be quite reasonable.

**Senator FAULKNER**—I understand that. What I am interested in is the process of how you deal with these things.

**The PRESIDENT**—The Senate determines that in the end.

**Senator FAULKNER**—It has to get to the Senate, though, that is the thing.

**The PRESIDENT**—There are 75 other senators who can bring it before the Senate.

**Senator FAULKNER**—Sure, but I do not think the press gallery or, for that matter, any other body would—they may, I suppose—write to individual senators. If there is a formal flow of correspondence, most people would take the path of sending it to you, as Senate President.

**The PRESIDENT**—True. On occasions when something like that comes up, I usually contact all the leaders and whips and take a view as to whether a majority says yes or no. If there has been a request in a particular instance when a senator has said, ‘Can I be photographed making this speech?’ I just say yes, because that seems to me to be reasonable.

**Senator FAULKNER**—But at this stage there are no plans to change the current regime in the Senate?

**The PRESIDENT**—No.

**Senator FAULKNER**—Thank you, Madam President. Can I ask the Clerk to indicate to the committee what the situation is in relation to the power of the Senate Select Committee into a Certain Maritime Incident. What are the powers of that committee in relation to calling before it the former Minister for Defence, Mr Reith?

**Mr Evans**—That committee has been given by the Senate the power to summon witnesses. All persons in the jurisdiction of Australia are subject to that power. The only immunities that we think may exist relate to current members of the House of Representatives and current office holders of state governments, including state members of parliament and state officers. They are presumed immunities, not well-established ones. Apart from that, everyone else in the jurisdiction is subject to it. A former member of the House of Representatives does not possess any particular immunity that we know of. Former members of the House of Representatives and former ministers have been summoned before to other Senate committees.

**Senator MURRAY**—Does that include Defence personnel?

**Mr Evans**—Yes. Serving public servants of the Commonwealth are subject to that power. Of course you can get into the difficult area of the possibility of ministers instructing officers not to appear, which has happened in the past.

**Senator FAULKNER**—But, Mr Evans, you are satisfied that no immunity or Crown immunity applies to a former member of the Executive Council or a former member of the House of Representatives?

**Mr Evans**—That is correct. Insofar as we have precedents, the precedents support that.

**Senator FAULKNER**—Thank you. I have no more general questions.



**Senator MURRAY**—The question from Senator Faulkner covered two areas: firstly, summoning witnesses; and, secondly, subpoenaing witnesses. Whilst the minister could instruct an officer not to obey a summons, I presume if a minister suggested to an officer that they should not obey a subpoena they would actually be breaking the law.

**Mr Evans**—Summons and subpoena are one and the same thing in parliamentary terminology.

**Senator MURRAY**—Let me be clear, then. What I mean by ‘summons’ is the committee asking a witness to appear, as opposed to a request, as opposed to a subpoena which is a formal legal document requiring appearance.

**Mr Evans**—If a witness is formally required to attend and is given an instruction by a minister not to attend, theoretically that witness and the minister as well could be held to be guilty of a contempt of the Senate. That would be a matter for the Senate to determine. As you probably know, we have had the situation in the past over many years of ministers instructing public servants not to cooperate with Senate inquiries, and in the past the Senate has not sought to impose any penalty on the official.

**Senator FAULKNER**—I do not know why I want to help Mr Reith out here but I just think it would save us a bit of money with the legal advice that he is seeking. It seemed to be clear to everybody else but not to him. I just thought: why should he have to pay a couple of legal bills to get advice which we can provide free here at the Senate estimates committee. Just here to serve!

**Mr Evans**—I cannot imagine that any advice would be given to the contrary.

**Senator FAULKNER**—Nor can I.

**Senator MURRAY**—I might need some clarification. Perhaps I misunderstand the law. As I understand it, a contempt of the Senate can only be dealt with by the Senate whereas a subpoena, if it was defied, could be dealt with in a court of law.

**Mr Evans**—No. There is no criminal offence of disobeying a Senate summons. The only remedy for that is for the Senate to deal with it as a matter of contempt of the Senate.

**Senator MURRAY**—So the constitutional situation for the parliament is that subpoenas issued by it do not have equivalent status to subpoenas issued by a court?

**Mr Evans**—They do. If you disobey a subpoena issued by a court, you can be dealt with for contempt of court, which is the equivalent of contempt of parliament. The processes by which courts deal with contempt of court are somewhat different, but the principle is the same.

**The PRESIDENT**—If the Senate issues a subpoena and it is ignored or flouted, then the Senate deals with it. If a court issues a subpoena and it is ignored, the court deals with it.

**Senator MURRAY**—Thanks for clarifying that.

**Senator FAULKNER**—Mr Evans, because this is a comparatively new area it might be useful if you very briefly also outline for the benefit of the committee the capacity for a Senate select committee to call for documents in electronic form.

**Mr Evans**—Most of the select committees, including the one we are talking about, are given the power by the Senate to send for documents. The term ‘documents’ is regarded as covering all sorts of documents including electronic documents. In fact it is statutorily defined

to include electronic documents. So a Senate committee of that sort could issue a requirement to a person to produce documents which exist in electronic form.

**Senator MURRAY**—I will briefly ask some general questions. On the increased security which is now apparent in the parliament, has there been an extra cost to the Senate?

**Mr Evans**—Yes, there has. I will ask the Usher of the Black Rod to let us have some information on that.

**Ms Griffiths**—Andrea Griffiths, Usher of the Black Rod.

**Senator MURRAY**—This is your first appearance in that role, isn't it?

**Ms Griffiths**—Yes. There has not been an increased cost at present. Most of the things that we have implemented have been cost neutral, the major one being security checking at the Senate car parks. We closed the roof, so the staff who would normally be utilised up there have been deployed to the car parks of Parliament House. The verification of all the electronic passes when people come in, except for members and senators, is cost neutral because it is done with existing staff. The boom gates that have just been installed were installed at a cost of \$47,000. They came out of our capital works budget, so we actually budgeted for that. We have an ongoing upgrading program, and that was taken out of that budget. So at this stage we have not sought extra funding with security. We have been advised that this alert will continue and we have a proposal going to the Presiding Officers to perhaps increase the number of closed-circuit televisions around Parliament House, but that is to be determined by the Presiding Officers. They have concerns about privacy aspects for members and senators.

**Senator MURRAY**—As a follow-up on that, I do not want to know the detail because I think it would be unwise to put it into the public arena, but is a review of the overall security of the parliament under way?

**The PRESIDENT**—There has been a review of the total parliament—that is, the chambers and the rest of the building as well. We got a report on that last September, or perhaps October, and there were a number of questions which the Presiding Officers raised in relation to it. It must have been after September 11 that we received the report, but most of the work had been done prior to that. So there were a number of things that we then raised and we have asked for the report to be reviewed and to come back to us. I would expect that will happen quite soon.

**Senator MURRAY**—The walls and windows on the external face of the parliament are more vulnerable, obviously, than the internal areas. Has specific attention been paid to that?

**The PRESIDENT**—I think we should, under the Joint House Department, discuss that with the engineer.

**Senator MURRAY**—I do not propose to put much on the public record, as I said, for obvious reasons. I would just like to be assured that a review and careful consideration of various scenarios is taking place.

**The PRESIDENT**—That aspect of security really is more the responsibility of Joint House.

**Mr Evans**—I am not sure what the senator is asking about in relation to the building and the windows. It is probably an engineering question that he is getting at, which would be an appropriate one for the Joint House Department.

**Senator MURRAY**—Everyone knows that if a bomb goes off and you haven't got shatterproof glass, you have a problem.

**Mr Evans**—Yes, I think the Joint House Department could tell you about glass.

**Senator MURRAY**—As I say, I do not want to know the details; I just want to know that, as the representatives of the Senate, the Clerk and the President are taking the interests of the Senate in hand in this regard.

**Mr Evans**—There has been an overall look at the security system of the building, and certainly appropriate measures have been taken. The Commonwealth's senior security advisers advise that appropriate measures have been taken. In relation to cost, although the Usher of the Black Rod says it is cost neutral at this stage, because of offsets and so on money is being spent that would not otherwise have been spent, probably.

**Senator FAULKNER**—It is something to do with people in glass houses.

**Senator MURRAY**—That is why I have an office on the inside, not on the outside.

[9.29 a.m.]

**CHAIR**—If there are no further general questions, the committee will move to output 1, Senate support.

**Senator FAULKNER**—No questions.

**CHAIR**—At all, Senator Faulkner?

**Senator FAULKNER**—I might have a few to place on notice. I do not want to delay the committee too long; there are a lot of issues before us and we have only, of course, got one day in the whole portfolio area of Prime Minister and Cabinet so we should try to move it a long, I think. I assume it would assist the committee if I place on notice one or two of the questions I would have normally asked.

**CHAIR**—The committee would be very grateful. Thank you. Are there any further questions on outputs 1, 2, 3 or 4? Senator Faulkner, you might have some later in writing?

**Senator FAULKNER**—My comments went to the questions for parliament generally.

**CHAIR**—There being no further questions for the Department of the Senate, I thank those officers and call the Department of the Parliamentary Library.

[9.31 a.m.]

#### **Department of the Parliamentary Library**

**CHAIR**—Welcome. Are there any general questions?

**Senator FAULKNER**—I have a few questions that run across the outputs. I do not want to delay the Parliamentary Library long because of the pressure of other business. Is there some new dossier that is being compiled in the Parliamentary Library going to senators' personal tastes and idiosyncrasies? In my case that would be a very long section, I do not doubt, but I wondered if there were such a thing occurring.

**Mr Templeton**—Not that I am aware of or Dr Verrier is aware of.

**Senator FAULKNER**—I want to ask about the briefing book for new senators and members. I suppose is a difficult thing to make a judgment there about an outline of the government's agenda and reference to the approach of the opposition and minor parties. How did you work through that balance?

**Mr Templeton**—The briefing book was the result of a very substantial amount of work by the various groups in program 1. It was their assessment that this would be a useful booklet for senators and members to illustrate what were believed to be the likely issues that would

arise over the next parliament. It was not intended to seek to set out any attempt at second-guessing either the government's or the opposition's agenda. It really was the development of a document we have had for a number of years called *The forecast of emerging issues*, but put into the public domain and put in a way that we thought would help senators and members find access to information on these issues.

**Senator FAULKNER**—I just wondered how this worked through the editing process.

**Mr Templeton**—As far as I am aware, there was a very extensive editing process.

**Dr Verrier**—We decided that this should be an extension of the normal general distribution papers that we write to anticipate issues coming before the parliament. It was a hugely extensive effort, pulling our professional people together and trying to make judgments about issues that would be likely to come before the parliament early in the life of the parliament, and the resulting subject headings came out of that process. The editing exercise was huge. I sat through two seven-hour workshops and one four-hour workshop, and I read it three times to check for balance, consistency and proper coverage appropriately in given areas.

One of our very important determinations in deciding on this project was that we are described as a library, and some senators and members do not fully grasp the range of services we provide on the analytical side. We deliberately chose to produce this kind of thing early in the life of the new parliament so that new senators and members could quickly come to see, by example, the quality of the work that we do. The work in there will be of ongoing usefulness for ongoing briefings that will be used in different ways with additional supplementation for senators and members as they choose to pursue those issues.

**Senator FAULKNER**—But you are satisfied that you achieved balance. That is the question I am asking.

**Dr Verrier**—Insofar as that is ever possible, we did everything within our power; and, yes, I am satisfied that we have achieved balance.

**Senator FAULKNER**—Just briefly, has the library commenced some legal proceedings against a former parliamentary fellow?

**Mr Templeton**—No, we have not commenced legal proceedings against the particular individual. The individual has been using material which was the basis of a book that he was commissioned to write during his period of employment with the Parliamentary Library, and he has been putting a lot of that up on his web site. The copyright obviously rests with the Commonwealth, and, in the view of the library, it is not yet in a fit state to be published, and that has been brought to his attention.

**Senator FAULKNER**—I see.

**Mr Templeton**—But, no, we have not initiated legal proceedings.

**Senator FAULKNER**—I asked the question in that form because I did not want to trample into an area that might have been subject to some legal action that I was not aware of.

**Mr Templeton**—The copyright for that publication is clearly with the Commonwealth—

**Senator FAULKNER**—So this issue is being worked out at the moment.

**Mr Templeton**—Yes.

**Senator FAULKNER**—You hope.

**Mr Templeton**—We hope.

**Dr Verrier**—We have sought legal advice about what our rights and entitlements are in this situation to confirm that he is in fact in breach of copyright and possibly in breach of confidentiality. We have asked, politely, for him to remove something which belongs to the Commonwealth from his site.

**Senator FAULKNER**—So how this issue progresses may well depend on the response to that. Would that be true?

**Dr Verrier**—Indeed. We would hope that he would be sensible and do that. Our hope still is that he will continue to respond to the comments from the external readers and ourselves to make that a completed project for our department so that it can be published in the usual way.

**Senator FAULKNER**—There are many other issues I would like to raise, Mr Chair, but, because of time, I will not. I will place some questions on notice.

**CHAIR**—Thank you, Senator Faulkner. Senator Murray, do you have any questions for the Department of the Parliamentary Library?

**Senator MURRAY**—I was satisfied with discussions in the briefing the other day, so I have nothing of note.

**CHAIR**—Are there any questions relating to the various outputs? No? In that case, I thank the Department of the Parliamentary Library.

[9.39 a.m.]

#### **Department of the Parliamentary Reporting Staff**

**CHAIR**—Welcome. Are there any questions for the Department of the Parliamentary Reporting Staff?

**Senator FAULKNER**—I just wondered if outsourcing to New Zealand was back on the agenda again.

**Mr Templeton**—No. The New Zealand parliament has approached us for access to the software for the Hansard Production System because they wish to install it in their operations in New Zealand. That is the only contact that I am aware of.

**Senator FAULKNER**—What is your approach to that?

**Mr Templeton**—We would be pleased to supply it to them.

**Senator FAULKNER**—Is that all the software?

**Mr Templeton**—No, it will be that part of the software that we own. There are some aspects of the proprietary software for which they would have to make separate arrangements.

**Senator FAULKNER**—So it would be the non-proprietary software? Is there such a term?

**Mr Templeton**—It will be the software developed exclusively for the Department of the Parliamentary Reporting Staff.

**Senator FAULKNER**—Which bits would fall into that category?

**Mr Templeton**—Perhaps Ms Barrett could go through the exact parts of it.

**Ms Barrett**—It would be basically the production system, but not including some applications for which we have licences. It would be the code that governs the production system, the turn file processing—those parts of it.

**Senator FAULKNER**—What would the development of those parts of the software have cost?

**Mr Templeton**—In the order of \$2½ million.

**Senator FAULKNER**—Is there still a cost to DPRS for those parts of the software?

**Mr Templeton**—There are continuing costs for maintenance of the system. There would be costs to the department for enhancements to the system and, where we have licences, there would be continuing licence costs for the department.

**Senator FAULKNER**—Is there a suggestion that the New Zealand parliament would bear any of these costs?

**Mr Templeton**—Our view at the moment is that we would be prepared to make the software which had been developed for us—excluding, as Ms Barrett said, the proprietary software—available to New Zealand essentially at no cost, on the basis that we try to encourage inter-parliamentary cooperation.

**Senator FAULKNER**—That is what I was going to ask you—what is in it for us?

**Mr Templeton**—In reality, there is probably very little in it for us, if anything, because the software has been developed for us and we are running the software. It is no cost to us to provide it to New Zealand. They would have to support and maintain it and enter into agreements with people to do that for them. There would be no explicit or implicit responsibility or liability on us to support the software. So the answer is that there is no cost to us but there is no gain either. But there is the issue that we seek to cooperate with other parliaments, particularly for an application that has been developed specifically for this sort of purpose. We have in the past provided the software for the old Hansard Production System to, for example, the South Australian parliament.

**Senator FAULKNER**—So where is it up to? Has the decision been made in relation to this provision to New Zealand?

**Mr Templeton**—No. The clerk of the New Zealand parliament has written to me and I am waiting for some advice on those issues relating to the proprietary software.

**Senator FAULKNER**—Who are you seeking advice from?

**Mr Templeton**—My recollection is that we have gone to the Australian Government Solicitor.

**Ms Barrett**—That is right.

**Senator FAULKNER**—What aspects are you canvassing with the AGS?

**Mr Templeton**—Firstly, to make sure that we can make the software available; secondly, to ensure that whatever arrangement we come to with New Zealand specifically excludes the proprietary software; and, thirdly, to ensure that whatever correspondence we have with New Zealand makes crystal clear that there is no liability implicit or explicit on us to maintain support or assist them.

**Senator FAULKNER**—Is this a matter internally for DPRS itself, or have you consulted more widely about the appropriateness or otherwise of doing this?

**Mr Templeton**—When we get that advice, I will put a suggestion to the Speaker and the President that we agree or not agree to the proposal from New Zealand. Because the Hansard Production System is purely for DPRS, I am not quite sure whether the other departments in the building would have any interest in it.

**Senator FAULKNER**—No doubt, you will let us know how that develops.

**Mr Templeton**—Yes.

**The PRESIDENT**—Do you have a view on whether it should proceed? My personal view would be that, subject to the matters that have been expressed, there would be good reason to consider doing it, facilitating New Zealand.

**Senator FAULKNER**—I would be interested in an analysis of the pros and cons of it, and what the process of consultation is—if it is with staff unions and others.

**The PRESIDENT**—I agree with that, certainly.

**Senator FAULKNER**—I would be interested in what the outcome might be. I would develop my view with the benefit of information.

**The PRESIDENT**—I would be disposed to support it if all the answers to the questions raised are satisfactory to us.

**Senator FAULKNER**—I am most interested in what the consequences might be in relation to this parliament. It does appear as if Mr Templeton is taking that seriously.

**Mr Templeton**—Yes, we are, Senator. May I just query one thing—you said you were interested in issues of consultation. I could not quite hear you, that was all.

**Senator FAULKNER**—In response to Madam President's question to me, I indicated that I would be interested to hear what views might be within DPRS and of DPRS, and I wondered aloud whether any consultative process with staff or unions might take place in this. There might be an interest there. Have you thought of that?

**Mr Templeton**—I would be surprised that there would be any need for that process. The development of the Hansard Production System and the way the processes that surround it work within the department are obviously discussed extensively with staff and with our unions at the consultative committees. The actual decision to provide the software to another parliament—on the face of it I really could not see that there would be a particular need for consultation with staff or unions.

**Senator FAULKNER**—There may well be concerns about it. I do not know. You would be closer to it than me, Mr Templeton, so you would know.

**Mr Templeton**—If there have been, they have not been expressed by the unions, and I certainly have not heard any from staff.

**Senator FAULKNER**—It depends if there is an implication for employment in relation to this. I do not know the details of that. That is one reason why I am asking.

**Mr Templeton**—I would say at the moment there are no staff employment implications, just as there were no employment implications for staff here from the decision to give the old system, years ago, to South Australia.

**Senator FAULKNER**—Any other questions I have in this area I will place on notice.

**CHAIR**—Thank you. Senator Murray, any further questions? There are no further questions for the Department of the Parliamentary Reporting Staff.

[9.49 a.m.]

### **Joint House Department**

**CHAIR**—Welcome, officers.

**Senator FAULKNER**—A security question, Mr Bolton, but not going to the broader issues of the security, in the sense that Senator Murray was asking earlier. I have heard one or

two reports of thefts from senators' and members' offices in Parliament House where it seems that a little bit of a pattern might have been established here. Could you let us know whether this is out of the ordinary—in relation to thefts from offices in Parliament House. This issues relates to laptops and other items being stolen.

**The PRESIDENT**—That would be a question to put to Black Rod. Black Rod would know more about it than Mr Bolton. There are other aspects of security—who is in and out of the building at various times—that would be within the area of responsibility of the Security Controller.

**Senator FAULKNER**—Could you read whatever that document is so that it goes onto the record?

**The PRESIDENT**—It is a list of reported items of property stolen from July 2001 until sometime between October 2001 and February 2002. I would prefer not to publish the document, but there are 11 items on it—two, or maybe four, of which are computers.

**Senator FAULKNER**—The reason I am asking this here is because the Black Rod is obviously dealing with the Senate side, and I am more worried about a building wide phenomenon than just a Senate side phenomenon. Hence I thought it might be appropriate to ask this under Joint House.

**Mr Bolton**—The way the system works in Parliament House is that we are responsible for a lot of the physical sites of the building. That information is monitored and managed by the Security Controller of Parliament House because he has a role across the whole of the administration. He is the direct supervisor of the security staff in Parliament House.

**Senator FAULKNER**—Mr Bolton, when other questions came up for the Security Controller, it was suggested that Senator Murray might like to ask them under Joint House. I took a lead from that, hence I am asking this question under Joint House. I was trying to listen to the very interesting questioning of Senator Murray earlier.

**Mr Bolton**—The Security Controller is technically an officer of the House of Representatives but is available to the whole parliament. That role is not part of my administration. Obviously, being a senior officer in the administration, I know something about what goes on but this is not something that I am competent in or have authority over—so I really cannot answer what is happening in terms of theft across the building. I, like you, hear media reports but I am not aware of what is happening—I am particularly aware of what is happening in my own organisation.

**The PRESIDENT**—Senator Faulkner, the Security Controller is present and I could ask him to come to the table.

**Senator FAULKNER**—However you would like to deal with it; I do not want to make how the issue of we handle the questioning into an international incident. It is just that, given that Senator Murray was advised to ask these questions at this point in the proceedings, I took a lead from that.

**The PRESIDENT**—There are certain things that Mr Guilfoyle, the engineer, would know about security, cameras and that sort of thing.

**Senator FAULKNER**—Normally we would ask some of these questions to the Black Rod but it was suggested that we do it here. I do not mind; I am happy.



**The PRESIDENT**—Mr Guilfoyle is not well and he is at the doctor's this morning. He would be the officer you would talk to about cameras and things of that nature being put in. But Mr Lucas is at the table, so you can ask him.

**Senator FAULKNER**—This will not take long, Mr Lucas, I promise you—although it is starting to blow out a bit. I do not know whether you heard, but there was a concern about thefts from and break-ins to offices across Parliament House and whether there was an increasing pattern of thefts emerging. That was the point of my question.

**Mr Lucas**—I am able to say that, with some dismay, I have noticed a small pattern where we have had four computer hard drives stolen from the House of Representatives side of the building in the last seven months.

**Senator FAULKNER**—Other material has been stolen too, hasn't it? Without identifying it, it is not only computer hard drives we are talking about?

**Mr Lucas**—The other thefts relate more to very small general personal items, which I suggest you could expect in any building or any group of this number of people—for example, things being taken from, say, the gymnasium clothing area, the change area, while people are otherwise engaged. But the main pattern that I believe exists is in relation to these computer hard drives.

**Senator FAULKNER**—How big is a computer hard drive?

**Mr Lucas**—I would suggest it is probably the size of a small briefcase.

**Senator FAULKNER**—Do you think they have just taken a walk outside the building?

**Mr Lucas**—I assume they are being taken outside the building, yes.

**Senator FAULKNER**—Are senators and members being given some assistance—this may fall more to the Black Rod; I do not know how—about how better and enhanced security can be applied to individual parliamentarians' offices? I think there is, and I thought it might be useful just to outline that for the benefit of the committee—unless there is a problem with outlining it?

**Mr Lucas**—No. When the building was on the drawing boards, it is my understanding that it was decided to go with keyed locks to all doors, and that was implemented. Unfortunately, that is proving not to be commensurate with the thief of the year 2001-02.

**Senator FAULKNER**—I appreciate that. If a senator—let's use an example of a senator; we are in Senate estimates—has a theft from their office or wants to enhance security, what are you able to offer them?

**Mr Lucas**—I suggest that is probably a matter for Mr Bolton; I have my views, and we have discussed these things at length. Obviously we are talking about electronic locks.

**Senator FAULKNER**—But hasn't some temporary assistance been provided to senators?

**Mr Lucas**—I am not sure what you mean by that.

**Senator FAULKNER**—I am just asking. One or two of my colleagues have mentioned this to me and I just want to be clear.

**Mr Lucas**—I believe that senators', and indeed all, offices in the building are secure because they are locked with keyed locks. But, unfortunately, we are experiencing some difficulties with one particular person in the building who is able to gain access to rooms that do have keyed locks over a period time.

**Senator FAULKNER**—In other words, you need a key to do it?

**Mr Lucas**—It would appear so.

**Senator FAULKNER**—Either that or there would be some sign of forced entry, I assume. Is that what you are saying to us?

**Mr Lucas**—Yes and no. In the period of time we are looking at, these offices would be open for various reasons—say, for cleaning or for maintenance—while their occupants are not available, and there is a possibility that these thefts are occurring during those periods.

**Senator FAULKNER**—Have any senators been offered any other form of assistance to try and ensure that offices are not accessed and material inside is not pinched?

**The PRESIDENT**—Black Rod indicates to me that she is not aware of what you are talking about. It may be that there is something that we can follow up, if you wished.

**Senator FAULKNER**—No, that is fine. So where to from here, Mr Lucas?

**Mr Lucas**—Joint House and I are looking at a number of systems that, hopefully, will enhance what we already have and alleviate the problem we are experiencing.

**Senator FAULKNER**—We will talk about it perhaps in May and see if you have been able to make some progress. I hope you do.

**Mr Lucas**—Thank you.

**The PRESIDENT**—It would seem, regrettably, that we are living in a building with people who are, mostly, totally honest but that there is at least one thief amongst us somewhere.

**Senator FAULKNER**—I appreciate that, Madam President. It is the pattern that I am drawing attention to. I think Mr Lucas has been able to indicate that there is a problem here. There are some questions I could ask, but will not ask, in relation to how these matters are being dealt with. It is best, I think, if those who are charged with the responsibility go about their work and hopefully find the individual or individuals responsible. We can talk about that at a later stage; I do not want to transgress into that particularly.

**Senator MURRAY**—Just following up from that, I note that all entrants to the building have their luggage checked but I do not think that all those exiting do. That means that if you have nicked a computer, you can just walk out with it.

**Mr Lucas**—Yes, Senator Murray, that is the current situation. Obviously we are more concerned about what is brought into the building rather than what is being taken out of it.

**Senator MURRAY**—I assume, Madam President, that this is the right place to ask this next question about the overall computer system, which is available for the parliament and for senators and members. I have noted a large number of scary stories appearing in the electronic media about the wonderful abilities of hackers and all the things which are happening in the computer world and the importance of firewalls and all sorts of stuff. I can open my computer, use it and send things, but I do not go much further than that. This question is a bit like my security question. Do you, as our President, and do Joint House feel that there is sufficient protection for that system that we have?

**The PRESIDENT**—That is a matter for the Department of the Parliamentary Reporting Staff, for Mr Templeton. It is a matter that we discuss and are certainly aware of. I personally am fairly satisfied with what we have, but then again I am not a computer expert.

**Senator MURRAY**—We have top-flight advice, do we?

**The PRESIDENT**—I believe so, but I will refer the matter to Mr Templeton and see that you get an answer.

**Senator MURRAY**—I would appreciate, just on notice, if perhaps a short briefing note could be provided to the committee on that aspect.

**The PRESIDENT**—I will see that that is done.

**Senator MURRAY**—Thank you.

**Mr Bolton**—Senator Murray, you asked a question earlier about security, and obviously we do not want to go into the details of the window security of Parliament House, but can I just say that following September 11 the parliamentary department heads were obviously sufficiently concerned and, at the appropriate time, we asked for a very high level briefing from the people who advise the Commonwealth about terrorist incidents. They assured us that they had had very good cooperation from the Security Controller at Parliament House, who is continually updated and briefed by those people, and that what we were doing at Parliament House was totally consistent with the level of risk that they had assessed. So we are complying with the people whose task it is to determine what the levels of risk are.

Subsequent to that, Madam President did mention some reviews of parliamentary security and what we are doing. There is some documentation which, hopefully, will get to her in the very near future. This documentation suggests, to use your words, some ‘further scenario planning’ which may help us to go into the future. Once again, whatever we may propose in that area will be tested with the so-called experts to see that this does comply with their advice and does, in fact, achieve what we are setting out to achieve, because we are not experts in this area and we would like their advice. We do not want to spend large amounts of Commonwealth money where the experts say, ‘Really, you are not going to achieve a positive outcome or be able to minimise the risk.’

**Senator FAULKNER**—I do recall that, back in October, during that period of the anthrax scares, we had that very unfortunate incident when a member of Minister Ruddock’s staff opened a package and touched white powder. That is my recollection of the incident. That was one obvious incident that occurred around the time that you refer to. Is the chemical testing of that powder et cetera followed through under the auspices of Parliament House officers or is it handled by other authorities?

**Mr Bolton**—There are public authorities that do all that.

**Senator FAULKNER**—Do they report back to you?

**Mr Bolton**—Yes, they are brought in here and report back to the Security Controller. They are requested to attend, they do attend, they do the subsequent testing and report back to the Security Controller.

**Senator FAULKNER**—As I recall, that was the only anthrax scare that occurred at Parliament House.

**Mr Bolton**—We have had a number of other incidents of white powder, and they have been dealt with. Once again, without disclosing everything we have done, we have lifted our capability to handle anything like that within this environment, following advice from the relevant authorities and the risk assessment for this building.

**Senator FAULKNER**—But you do hear in the fullness of time what the substance was and so forth?

**Mr Bolton**—Yes. Basically, we hear whether it is a benign substance or whether there is something to be worried about. That is obviously an important issue because of the staff who may be exposed.

**Senator FORSHAW**—I have a question on something you said earlier, Mr Lucas, about hard drives being stolen. I am sorry if you covered this while I was absent, but what are you talking about there—laptops or somebody physically going into one of the PCs and taking a piece of equipment?

**Mr Lucas**—The desktop, the computer box where the actual mechanics—and obviously the value of the computer—are.

**Senator FORSHAW**—Yes, so it is a large item?

**Mr Lucas**—The screen and the keyboard are left.

**Senator FORSHAW**—As I understand it, laptops have also been stolen. I know that quite a number of members of parliament now use laptops, and they have a docking station so that they can use laptops instead of PCs. I am saying that as a person who does not know much about computers.

**Mr Lucas**—We did have a laptop stolen, but it was stolen, unfortunately, from a visitor to the building who left it unattended overnight. When he came back the next morning it was not there, unfortunately.

**Senator FORSHAW**—Those of us who have laptops were advised to secure them overnight.

**Senator FAULKNER**—But how?

**Senator FORSHAW**—To lock them in a drawer or something like that. But not everybody has a laptop. The thing is that you cannot do that during the day.

**Senator FAULKNER**—Who advised you to do that?

**Senator FORSHAW**—I think that was—

**The PRESIDENT**—Locks have been provided to senators for that purpose, or you can take it and put it somewhere secure yourself.

**Senator FAULKNER**—That is what I was asking about before.

**Senator FORSHAW**—I recall being advised some time ago about that. But this was specifically about laptops, not about PCs. You cannot take a large PC hard drive and put it into your drawer.

**Mr Lucas**—It is obviously Commonwealth policy to protect what they call ‘portable and attractive assets’. I think laptops come very much under that definition.

**Senator FORSHAW**—I just wanted to clarify that it was other types of computers, apart from the laptops.

**Mr Lucas**—No, it was the desktop computer.

**CHAIR**—If there are no further questions for the Joint House Department, that completes the examination of the parliamentary departments. I remind you that the committee has set 27 March 2002 as the date for the submission of written answers to questions taken on notice. I understand there may be some of those from Senator Faulkner. I thank the President, Senator Reid, and officers for their attendance and for their help this morning.

[10.14 a.m.]

**PRIME MINISTER AND CABINET PORTFOLIO**

**In Attendance**

Senator Hill, Minister for Defence

Senator Abetz, Special Minister of State

**Department of the Prime Minister and Cabinet**

Mr Max Moore-Wilton, Secretary

Mr Alan Henderson, Executive Coordinator, Government and Corporate

Economic policy advice and coordination

Dr James Horne, First Assistant Secretary, Industry, Infrastructure and Environment

Mr Stuart Sargent, Assistant Secretary, Industry, Infrastructure and Environment

Ms Jenny Goddard, First Assistant Secretary, Economic

Social policy advice and coordination

Ms Rosemary Calder, First Assistant Secretary, Office of the Status of Women

Ms Karen Bentley, Assistant Secretary, Office of the Status of Women

Ms Sandra Parker, Assistant Secretary, Office of the Status of Women

Mr David Webster, A/g First Assistant Secretary, Social Policy

Ms Jenny Bryant, Assistant Secretary, Social Policy

International policy advice and coordination

Mr Michael Potts, First Assistant Secretary, International

Support services for government operations

Ms Barbara Belcher, First Assistant Secretary, Government

Mr David Macgill, Assistant Secretary, Parliamentary and Government

Ms Philippa Lynch, Assistant Secretary Legal and Culture

Mr Paul O'Neill, Assistant Secretary, Awards and National Symbols

Mr Peter Hamburger, Assistant Secretary, Cabinet Secretariat

Ms Julie Yeend, Assistant Secretary, Ceremonial and Hospitality

Mr Greg Williams, First Assistant Secretary, Government Communications Unit

Dr Susan Ball, Assistant Secretary, Information Services

Mr Richard Oliver, Assistant Secretary, Corporate Support

Mr Michael O'Rourke, Acting Senior Adviser, Services and Security

Australian National Audit Office

Mr Ian McPhee, Deputy Auditor-General

Mr Russell Coleman, Executive Director, Corporate Management Branch

Mr David McKean, Executive Director, Assurance Audit Services

Mr Brian Boyd, A/g Executive Director, Assurance Audit Services

Tina Long, Senior Director, PASG

Office of National Assessments

Mr Kim Jones, Director-General

Mr Derryl Triffett, Head, Corporate Services

Mrs Margaret Bourke, Senior Executive Officer

Dr Douglas Kean, Strategic Analysis Branch

Office of the Commonwealth Ombudsman

Mr Ron McLeod, Ombudsman

Ms Natalie Humphrey, Contract Manager

Office of the Inspector-General of Intelligence and Security

Bill Blick, Inspector-General

Office of the Official Secretary to the Governor-General

Martin Bonsey, Official Secretary

Gary Bullivant, Corporate Manager

Kevin Davidson, Manager Executive Support

Amanda O'Rourke, Manager Honours and Awards

Joanne Mitchell, Budgets and Finance

Public Service and Merit Protection Commission

Mr Andrew Podger, Public Service Commissioner

Ms Lynne Tacy, Deputy Public Service Commissioner

Mr Boris Budak, Acting Merit Protection Commissioner

Mr Mike Jones, Team Leader, Corporate Strategy & Support

Ms Jenny Harrison, Team Leader, Values, Conduct & Diversity

Mr Kevin Isaacs, Team Leader, People & Organisation Development

Mr Jeff Lamond, Team Leader, Staff, Structures & Performance

Mr Frank Nicholas, Chief Finance Officer

**Office of the Official Secretary to the Governor-General**

**CHAIR**—Good morning and welcome, Mr Bonsey and officers. Mr Bonsey, if you would like to make an opening statement that would be fine, then there will be general questions directed to do you and your officers and then perhaps questions relating to the particular outputs.

**Mr Bonsey**—I am happy to proceed straight to questions.

**CHAIR**—Thank you. Are there any general questions?

**Senator FAULKNER**—I have a few. I did see, Mr Bonsey, a not so recent press article—it was last year—about the possibility of setting up a chapel in Yarralumla. I may have missed something here but I saw it speculated upon and I just wondered if that had happened.

**Mr Bonsey**—A ‘chapel’ was always a misdescription. It is a room on the second floor of the house which was fitted out, during Mr Hayden’s time, as a library-private study and was used by Mr Hayden and by Sir William for that purpose. The furniture has been taken from it and a couple of small changes in decoration made to it, and it serves as a place where the Governor-General says the daily offices—which are a requirement for an Anglican clergyman.

**Senator FAULKNER**—And that is on the second floor?

**Mr Bonsey**—Yes.

**Senator FAULKNER**—So it is obviously not in the public area of Yarralumla.

**Mr Bonsey**—No. It is very much a private use of a room which has always been a private use type of room.

**Senator FAULKNER**—It is in that area of the house that has always been the private residence.

**Mr Bonsey**—Yes.

**Senator FAULKNER**—I was also going to ask about another newspaper article I saw last year about the Governor-General making Sydney his second home. That was an exclusive.

**Mr Bonsey**—That was an exclusive by Shaun Kearney, was it?

**Senator FAULKNER**—Simon, I think, is the correct given name.

**Mr Bonsey**—That was a complete furphy. I think it may have arisen from the Governor-General's indicating that he appreciated that Admiralty House was there and he thought it was proper for it to be used. He may have indicated at that stage that he was going to use it a bit more than had been the case previously, particularly in the context of the summer period; indeed, he was in residence at Admiralty House from 28 December to 10 January. But the notion that there was any move of the primary residence of the Governor-General to Sydney was completely incorrect.

**Senator FAULKNER**—The thing that struck me about it is that you were quoted, Mr Bonsey, and I always look very closely when you are quoted.

**Mr Bonsey**—I cannot remember how I was quoted and whether it was accurate. I have no idea.

**Senator FAULKNER**—You said:

Admiralty House is there, and he will be spending a lot more time there than Sir William ... It's for purely subjective reasons. It's the sort of place they would like to be in.

Unlike the Hollingworths, the Deanes had a place where they went for weekends and holidays.

It wouldn't surprise me if they (the Hollingworths) spent a fair amount of each summer in Sydney.

What I was going to ask you is if there had been some sort of significant change of pattern for the use of Admiralty House. That was the key issue that arose out of this.

**Mr Bonsey**—I do not think I could say there is any change of pattern. I would have to do a night-by-night comparison to see whether, in the end, things were any different. The use of Admiralty House is always a bit lumpy—for example, during the Olympics there was an extended period of use. My experience has been, with both Sir William and Dr Hollingworth, that you can go for several weeks and realise you have not been down there. Mr Davidson can disagree with me, if he thinks he should, but my impression is that there is absolutely no significant difference in use at the moment.

**Senator FAULKNER**—I would be interested in the usage of Admiralty House over the last few years, so could you take this on notice. You might break it up on a six-monthly basis or something.

**Mr Bonsey**—We can do that. We did actually look at that a while ago when the late David McNicoll of the *Bulletin* said wasn't it a pity that Admiralty House was not being used all that often. I remember getting material out saying that it is, in fact, being used quite a bit.

**Senator FAULKNER**—The swimming pool is being used, anyway, isn't it.

**Mr Bonsey**—The swimming pool gets some use.

**Senator FAULKNER**—Is the ongoing arrangement with the swimming pool with the neighbours at Kirribilli House still extant?

**Mr Bonsey**—There has been no change to that.

**Senator FAULKNER**—I am relieved to hear that.

**Senator MURRAY**—You are very well informed!

**Senator FAULKNER**—It has been canvassed here before, Senator Murray. Another thing I noticed—it is lucky I keep my eye on the *Canberra Times* and a few other journals of record—was some concerns that were raised about poor language being used by rowers on Lake Burley Griffin. This one seemed to get a little out of hand. I thought you might let us know what the situation was in relation to that. Was it a question of bad language or was it a question of the fact that these guys with megaphones out on the lake were making a bit of noise?

**Mr Bonsey**—They are quite loud, early in the morning. I am happy to give you an account of that. You are right: it did get out of hand. It is a good example of what happens when you take the wrong decision about whether to let a story just lie in the hope that it is such a silly story nobody will take it on or to kill it. We should have killed that one straightaway. My media management on that one should have been better in terms of knocking it off as soon as it appeared in the *Sunday Times*. It was unfortunate that that one ended up getting the sort of national run that it did.

The background to it is that, as a normal courtesy, the local rowing people sent an email to one of our staff saying, ‘This is our rowing program over the next few months.’ I do not think it even invited a response. It was a ‘for information’, courtesy sort of thing. A staff member mentioned that to the Governor-General who said, ‘Oh, terrific’—I am not sure if he used to be a rower himself or he supports rowing—‘but perhaps you ought to let them know that I can hear every word they say.’ The Governor-General would have thought that that would have gone back as an oral comment. Because the contact had been by email it went back as an email comment and therefore probably looked more serious than was ever intended. It was never more than a flippant remark. The remark was not devoted to the content of the language. I think Dr Hollingworth has heard a very broad range of language over his time. I do not think he has squeamish ears in that regard.

**Senator FAULKNER**—We have, and we’re in the Senate!

**Mr Bonsey**—It is more an issue of the volume of noise. It is actually quite noisy down there on the lake. By way of follow-up, there has been some consultation both with the local rowing association and, more importantly, with the chief executive of Rowing Australia, the national body, with our assuring them that we do not have anything against rowers—the Governor-General is patron of the rowing association—and indeed looking for the opportunity to have a function at Government House for rowers.

**Senator FAULKNER**—That sounds like a good idea to repair any misunderstandings that may have arisen. But the key question is: have the rowers modified their behaviour?

**Mr Bonsey**—The megaphone still gets used. I certainly have not heard anything from the Governor-General to suggest that it is a problem. He is quite an early riser, so I do not think it is an issue of his being woken up by rowers’ megaphones. Every time I have heard them I have not been able to distinguish any words. It is a noise which comes out.

**Senator FORSHAW**—How far is it from the golf course?

**Mr Bonsey**—The golf course is a bit further away, but I think a really bad shot on the 14th there might carry across the water.

**Senator FAULKNER**—I am pleased to hear that if there was any damage the Governor-General has been proactive in having that function for rowers at Government House. That



sounds like a sensible way of progressing that matter. Would I be right in thinking that the Roller is out of mothballs at Yarralumla?

**Mr Bonsey**—It has never been in mothballs.

**Senator FAULKNER**—I know you do not put cars in mothballs. Is it getting a bit more use?

**Mr Bonsey**—It is getting a bit more use. One particular example that I can relate is the opening of parliament last week. In 1998 we used the white crown cars—a Caprice.

**Senator FAULKNER**—That is why I asked.

**Mr Bonsey**—It gets used for credential ceremonies—taking ambassadors after they have presented their credentials back to their embassies. During Sir William's time it was used for going to the War Memorial, going to Duntroon—for the military things, the parades and so on there—but it is not the sort of car that is used, necessarily, for going to a small, local function.

**Senator FAULKNER**—So it is getting a bit more use?

**Mr Bonsey**—Yes, but not great.

**Senator FAULKNER**—Would you mind taking on notice what defines 'a bit'.

**Mr Bonsey**—I will take that on notice. It will be very small.

**Senator FAULKNER**—I just do not want to get bogged down on questions about the Rolls Royce. On a more substantial issue—I had a quick look before I came up to the estimates committee today—you would appreciate that not only in the print media but also in the electronic media there has been a lot of coverage in relation to the Governor-General's handling of sex abuse allegations. I just wanted an outline for the benefit of the committee. I only want to deal with the process issues; I make that very clear to you, Mr Bonsey, and to you, too, Mr Chairman, as I indicated to you before. Could you indicate to us whether the Governor-General was proposing to make a public statement on this at some point?

**Mr Bonsey**—What I can tell you is that the ABC's *Australian Story* program tonight has the product of very lengthy and, contrary to some accounts, far from soft questioning which will deal with, I think, the complete range of issues surrounding that.

You will have already heard or read in the media today that, following new material both in the press on Saturday—the *Sydney Morning Herald* story and the *Australian*—and on the *Sunday* program, the opportunity was taken yesterday afternoon for, again, another very lengthy canvassing of all the issues associated with that. The production people are probably working extremely hard to get that into a program format tonight. I think it is their practice, or their intention at least on this occasion, to use their related Internet capacity for running a certain amount of transcript of things which they just will not conceivably have the opportunity to put into the program. There were no restrictions on the questioning and the Governor-General has given a very full account of all the various issues. That is where the exercise is at the moment.

**Senator FAULKNER**—In relation to *Australian Story*, it appears as if—and I only know this from listening to the radio at some ungodly hour this morning—that the Governor-General had done an interview and then did a follow-up interview yesterday. I think you indicated that that was the case. Is that right?

**Mr Bonsey**—Yes. It was always the case that, when they made the arrangements with the Governor-General, it was on the basis that they would do quite a bit of filming and use a

couple of days or whatever to do the detailed interview. On the other hand, they did not want events to have occurred in the meantime which were then not adequately dealt with. So it was always part of the arrangement that, if there was anything further the Governor-General wanted to say before the program aired, the opportunity would be provided.

**Senator FAULKNER**—And he took that opportunity yesterday—

**Mr Bonsey**—Yes.

**Senator FAULKNER**—to have a further interview with *Australian Story*?

**Mr Bonsey**—That is correct.

**Senator FAULKNER**—Was that his initiative?

**Mr Bonsey**—No, it was always part of the agreement with the program.

**Senator FAULKNER**—Sure, but someone must have taken the initiative, either the ABC or the Governor-General.

**Mr Bonsey**—I think it was very much the *Australian Story* staff saying, ‘We would love the opportunity to make sure our program is as up to date and as informative as it can be.’ There was mutual agreement.

**Senator FAULKNER**—In the first instance, was the Governor-General approached by the ABC about the idea of going to *Australian Story*?

**Mr Bonsey**—It was an approach made quite a little while ago; in fact, I think even before the Toowoomba Prep issues arose in December. The decision to actually do the program was taken in January. Governors-general normally do not do interviews. But, for Toowoomba Prep, it is probably something that might have been done at some stage, but it was felt that it was a useful means for him to be able to get himself across.

**Senator FAULKNER**—There is a difficult balance here, I assume. You point out the circumstances in relation to governors-general and media interviews—and I appreciate the point you make, it is absolutely right. Did the Governor-General have the benefit of media advice in terms of making this decision about, if you like, an exclusive interview with one media outlet as opposed to dealing with something more broadly? I do appreciate the background to this. I do understand, as you say, the way that governors-general have traditionally dealt with these issues. Was that a difficult balance?

**Mr Bonsey**—I think all those decisions are quite difficult, as I was slightly alluding to earlier. There is always that difficult balance between whether you virtually say nothing and hope that an issue will go away or whether you react to every single false assertion, or whatever, that is around. In the *Australian Story* case, certainly we have a speech writer and a person who has a media background, an experienced journalist. It was really an exploratory thing with the *Australian Story* people, and it was felt this was something which would be appropriate.

**Senator FAULKNER**—When was the original interview for *Australian Story* done, do you recall? I do recall the press speculation at the time, and I assume that some quotes from that were run in the print media. It was about that same time.

**Mr Bonsey**—I am not going to be able to remember the precise date, but two or 2½ weeks ago would have been about the time of the interview.

**Senator FAULKNER**—I think what you are saying to the committee is that in the media generally over the weekend some new matters were raised—new allegations, if you like—and

the Governor-General has been able in part to respond to those on the *Australian Story* episode by doing a further interview with them yesterday.

**Mr Bonsey**—That is correct.

**Senator FAULKNER**—One issue that is properly a matter for us to canvass here in this estimates committee is the amount of time and resources that this issue now would be taking up for the Governor-General and his office. I wondered if you might care to comment on that in general.

**Mr Bonsey**—I can only do it in a very general sense. I think clearly for the Governor-General it is a distressing, distracting set of business. I do not think it has in any way stopped him doing all the other things that he would otherwise have been doing. I guess the impact is really more at that mental, psychological level. So far as general staffing and resources are concerned, there is no augmentation of resources or anything like that. It means that I, the media adviser and my offsider Kevin have been busier answering a lot of phone calls and dealing with a lot of paper in a way that we would not have been. I might in that context just mention that the hotline, which was set up on Christmas Eve, has entailed extra work for me. The hotline, for want of a better description—the implementation of the Governor-General's invitation to victims' families or whatever, related to Anglican institutions during his time as archbishop—has caused a certain amount of extra work.

**Senator FAULKNER**—Is that operating out of Yarralumla itself?

**Mr Bonsey**—Because we were setting it up on Christmas Eve, it was actually a telephone number; we could not set up a 1800 number. It was the telephone number of somebody who we knew was not going to be there because she was already on Christmas leave. The actual handling of cases—it was not a huge number—which came in there is something I have kept totally to myself and the Governor-General.

**Senator FAULKNER**—But you would be able to tell us the number of calls that the hotline has received?

**Mr Bonsey**—I do not know that I could, because some calls I would not have bothered registering. I mean, some journalists rang up using the hotline number just to ask, 'Is this number for the hotline?' and I did not bother writing that one down. In broad terms, we are talking 20 to 30 calls that I obviously felt were worth writing down and a much smaller number of people who—

**Senator FAULKNER**—So in terms of the resources of the office of the Governor-General, how does the follow-up—not to the journalists' calls, obviously—to those 20 or 30 calls that are—

**Mr Bonsey**—There has not been any follow-up of anything like that many. It has just meant some very long phone calls for me.

**Senator FAULKNER**—What I am asking you is: what is the process for follow-up?

**Mr Bonsey**—I have basically been speaking to people and seeing what they want to do or what they do not want to do.

**Senator FAULKNER**—So you are handling this yourself, effectively?

**Mr Bonsey**—Yes.

**Senator FAULKNER**—This is not a criticism at all, and I think you would appreciate that it is not, but some of these calls surely would require professional skills that someone who is a

public administrator—such as yourself, a public servant—may not necessarily have. I am not being critical, but you understand my point.

**Mr Bonsey**—I understand the point entirely. It has really been an exploration of whether people would find a meeting with the Governor-General helpful. It may very well arise, out of any such meetings, that clearly any identified need for professional counselling and so on would be followed on from there, not within Government House auspices at all. The Governor-General might very well encourage people to go to various counselling services elsewhere.

**Senator FAULKNER**—So have there been meetings with the Governor-General as a result of calls to the hotline number?

**Mr Bonsey**—Yes.

**Senator FAULKNER**—Are you able to indicate to the committee how many of those meetings would have taken place?

**Mr Bonsey**—I do not want to say any more than it is just a small number.

**Senator FAULKNER**—Beyond the establishment of the hotline and any outcomes from that, the Governor-General has, I think, also indicated that he would like to meet with others who were victims of sexual abuse. I think he has made that offer publicly on more than one occasion. I wondered if there had been many meetings or discussions that might have flowed from that.

**Mr Bonsey**—With individuals?

**Senator FAULKNER**—Yes. In other words, victims that may not have come to light as a result of the hotline but from the Governor-General indicating that he would engage in that activity—victims separate to those that came through the hotline.

**Mr Bonsey**—There is not a lot of distinction between the hotline and other methods. There have been some people who have written. There have been some people who have phoned, not to the hotline number, where the issue of having a possible meeting has then arisen. I do not know whether that is a little bit separate from what you may be alluding to: the Governor-General wanting to, in a sense, use the focus that has now been put on this terrible issue to try and use his office as a means of improving things. This could be through organisations, speeches, or who knows what.

**Senator FAULKNER**—But at the moment it has resulted in a small number of meetings with victims, to use your words. Is that right?

**Mr Bonsey**—Yes, that is correct. ‘Victim’ includes people related to—

**Senator FAULKNER**—Sure—victims and their families and those who have been affected by sex abuse and sex abuse allegations.

**Mr Bonsey**—Often what I have found is that the parental needs are very significant.

**Senator FAULKNER**—Beyond that and the general approach that you have mentioned: I think you said that the Governor-General will continue to speak publicly about this issue and its effect and impact. I think that summarises what you said.

**Mr Bonsey**—Yes.

**Senator FAULKNER**—Are there any other plans at this stage that have been developed, or are progressing, that encompass this issue?

**Mr Bonsey**—No. I think what I described basically covers the thinking.

**Senator FAULKNER**—I want to come back to this matter that I raised before: the effect this may or may not be having on the Governor-General's other duties. I think you are suggesting to us at this point that it is not having an effect, but it is adding extra work. Is that it? I think the committee is entitled to ask if you would be satisfied that the way this issue is being handled at Government House is not affecting the Governor-General's other duties and responsibilities. Let me put the question plainly in those terms.

**Mr Bonsey**—That is absolutely correct. If anything, there is a degree of resolution that it should not have any such effect.

**Senator FAULKNER**—Has there been an impact as a result of dealing with this exclusively with the *Australian Story* production? Has that in itself caused any concerns or reaction?

**Mr Bonsey**—Inevitably, when you have a weekend like Saturday and Sunday—major stories in major newspapers and the *Sunday* program—every journalist in the country would like an exclusive interview. The Governor-General had quite a full program of events yesterday, and it just would not have been possible to handle that on a broad basis.

**Senator FAULKNER**—The Governor-General has been critical, from what I heard before I came to this committee, of the cover story on the *Sunday* program yesterday. I think that is fair to say, isn't it, from what I have heard?

**Mr Bonsey**—He has certainly been on the record as saying that.

**Senator FAULKNER**—I wondered whether the Governor-General was planning to take any further action as a result of that?

**Mr Bonsey**—Not that I am aware of.

**Senator FAULKNER**—I do not want to mince my words; I am trying to be careful in my questioning. Is he so critical that he might consider taking legal action, for example?

**Mr Bonsey**—I do not know that he has addressed that at this stage, though he might.

**Senator FAULKNER**—Has any legal advice been sought on this issue in the broad?

**Mr Bonsey**—I am trying to recall. The Governor-General has taken a wide range of advice. Some of that has been between himself and acquaintances of his who are lawyers, but they certainly would not have regarded themselves as having provided some legal advice.

**Senator FAULKNER**—Would I be right in saying that is informal?

**Mr Bonsey**—That is informal, and he does have a private arrangement with a solicitor who has given some advice and who, certainly when he was engaged, was focused very much on looking after Peter Hollingworth's interests as distinct from the Governor-General's interests.

**Senator FAULKNER**—I do not think it is proper for me to canvass that. My question goes to legal advice from the perspective of the office of the Governor-General. I think you have said that that other advice is informal only.

**Mr Bonsey**—It is informal and on the private side—it is not the office; it is the Governor-General's acquaintances.

**Senator FAULKNER**—Given that you raise this, let us just be clear about the distinction here. You are saying that Dr Hollingworth privately—and I do not know how you define that or achieve that—

**Mr Bonsey**—I can say it again very succinctly, if you like. There has been informal private advice, which is his talking to people who happen to be lawyers, and I do not think his personal friends who happen to be lawyers would regard themselves, in that context, as having been providing any legal advice. Also, at least when initiated, there has been an engagement of a solicitor to provide legal advice in a formal sense but privately.

**Senator FAULKNER**—In other words, that is being paid for by the Governor-General himself. Is that what you are saying?

**Mr Bonsey**—Yes. So, to complete the answer, there has not been any advice sought within the Commonwealth on any of these issues.

**Senator FAULKNER**—I suppose it is where you draw the line here. Where do you draw the line—you may consider this a hypothetical question—between Dr Hollingworth, the Governor-General and Dr Hollingworth, private citizen? At the end of the day, there is very little about being a private citizen left to the Governor-General of Australia. That is life, isn't it?

**Mr Bonsey**—That is true, but maybe I can give an example. I think we would follow the general approach which applies for ministers: the Commonwealth never comes in behind ministers who are themselves seeking to initiate defamation actions, for example, whereas the Commonwealth will stand behind ministers who are defendants in that sort of situation. One can apply those sorts of criteria to it.

**Senator FAULKNER**—Yes, I do appreciate that distinction and others that can be drawn about this issue. Has the office thought of seeking some advice about the fine line, or do you provide that advice in-house?

**Mr Bonsey**—We are giving some consideration to where that fine line should fall.

**Senator FAULKNER**—I did notice in the press, particularly over the last few days, that Mr Eggleton is also advising the Governor-General—which is fair enough. Is there any light you are able to shed on Mr Eggleton's role in relation to this?

**Mr Bonsey**—As Mr Eggleton described it, I think, in the article: entirely the support and advice provided by a friend.

**CHAIR**—Are there any further general questions?

**Senator MURRAY**—Mr Bonsey, going back to the costs which accrue to the Commonwealth, let me see if my summation is correct: there are no costs to the Commonwealth for legal advice or for political or constitutional advice arising from this issue; there are no additional staffing costs; there would be something, I suppose, for the telephone hotline; and I assume there are some additional travel costs, which would not otherwise have arisen, as a result of needing to go and see victims?

**Mr Bonsey**—To date, it has been possible to use travel which would otherwise have taken place and then extend into the time in the location for that private purpose.

**Senator MURRAY**—So the principal cost is, in fact, of time and stress, including on yourself, I gather?

**Mr Bonsey**—There is no other cost, Senator.

**Senator MURRAY**—On the media management issue, I would expect this sort of crisis is fairly unprecedented for the Governor-General's office. I would also expect there has been, in the past, a convention as to how the media is dealt with in respect of the office of Governor-

General. Do you have or have you developed specific guidelines and protocols? I ask you this question because it lay behind some of Senator Faulkner's questioning. Sections of the media feel that they have been locked out and are being 'managed' in the negative sense of that term as opposed to the practical sense in which all public officials have to manage the media. Perhaps you can give us a little more of an exposition on the constraints the Governor-General is under by convention and in practice and what sort of protocols you are developing for the management of this issue.

**Mr Bonsey**—I do not think I can talk in terms of protocols and guidelines; I think it is more of a dynamic evolving situation than that. I suppose one starts off with a set of assumptions about what is, in an ongoing period of a governor-generalship, the sort of relationship with the media there should be. I think successive governors-general have generally not done very much by way of interviews, with occasional exceptions. There is always a boundary line between a general interview on whatever might be interesting as distinct from the use of the media to be furthering an activity or a cause that the Governor-General maybe associated himself with, and so a certain amount of our dealing with the media is in relation to particular functions. Let me give a good example. Organ transplantation and so on was a particular interest of the former Governor-General. Whilst he would never be enthusiastic about doing anything general or relating to him, he would clearly want to be giving interviews or whatever when he was doing something with an organisation like the Kidney Kids to further that.

I think there is an issue about the character of the particular media outlet or the avenue that one is looking at. There are some programs that are far better suited to the cut and thrust of politics and on which you would not expect to see a Governor-General. Every now and then I do find myself thinking: as the Governor-General is the equivalent of our head of state, what would one expect other heads of state to do? You do not actually see the Queen on controversial BBC TV programs. So there is that general layer of caution and restraint.

You then get particular issues arising, and there is the question of the best way to handle a particular issue. I suppose with the situation of a new Governor-General—well known in Melbourne, quite well known in Queensland and generally not well known in other states—and an event like the pre-Christmas media rush on child abuse, people out there in general now have a misleading perception of who this person is. So one asks the question: what is a good format to use? The judgment was made that *Australian Story* was useful for that. I can understand that, when you then get a weekend like the previous one, a lot of people would like to have interviews and inevitably a bit of disappointment is going to take place.

**Senator MURRAY**—I return to my use of the word 'unprecedented'. It would seem to me that there is only one forum for the Governor-General to reply to the allegations and the matters at hand. I must say in passing that I am one of those who dislike the use of the words 'sexual abuse', because mostly these are cases of criminal sexual assault on children. 'Sexual abuse' is a politically correct term, but these are criminal matters. The problem for the Governor-General is that, unless he appears as a witness in one of the court cases that seem to be going with this—which, in itself, would produce its own problems—he has no option, I would have thought, but to engage in the public arena, of which *Australian Story* is but one part.

If I can draw an analogy, although I do very much understand the distinction between a political person and a non-political office: when the Prime Minister was accused of being an accomplice in lies and deception concerning the 'children overboard' issue, he went right on the front foot and made himself available for key media outlets to question him face to face.

The audiences form their own opinion from that interchange—body language and so on. I do not think, by the very nature of this issue, that it is going to go away. Therefore, I follow up Senator Faulkner's direction by asking the question as to whether, in terms of the office of Governor-General and how it is affected, will you be asking for professional media advice such as the kind that is given to a minister or a prime minister rather than, as I understand it, battling through on your own?

**Mr Bonsey**—I am not quite sure how to answer that. We do employ a media adviser who has a very good feel for a whole range of media outlets and what it is best to do, and she is plugged in to a wider range of advice and consultation about that. Whether that source of advice in-house needs to be augmented is certainly something which is in our minds. But I do not think I can say very much more than that.

**Senator MURRAY**—Frankly, it is out of the range of the experience of most people.

**Mr Bonsey**—Yes, surely.

**Senator MURRAY**—This is an intense issue and an intensely difficult one to deal with.

**Mr Bonsey**—Yes. But, on the other hand, it is out of the range of your general run of specialist media advisers as well. The sort of media advisers used for the promotion of campaigns or whatever, again, are not necessarily going to be well attuned to the specifics of the Governor-General's situation.

**Senator MURRAY**—I pursue this issue because, from the Channel 9 coverage I have seen, not only are there clear indications that they and perhaps other media are going to pursue this—they are talking about a second follow-up story this coming Sunday—but also there was an interview on the morning program where an activist in this area said that clearly there will be a number of other cases emerging in Queensland which again attach to the time at which the Governor-General was archbishop there.

**Mr Bonsey**—Yes.

**Senator MURRAY**—That means this will continue. Whilst I do not see it as being a constitutional crisis—in the important sense of that meaning—yet, if it really mushroomed it could become so.

**Mr Bonsey**—I appreciate the point. The only related point I would make is that, to the extent that, yes, there are future cases, I think the fact that the Diocese of Brisbane has a new archbishop in place will serve to better keep the focus, in a sense, where it belongs, which is on an issue involving that diocese, its institutions and so on.

**Senator MURRAY**—As you know, Mr Bonsey, in an article I have written I mentioned that—and I did not put it this way, but I will put it this way for the purposes of this discussion—strangely there is an opportunity arising from all this. It seems odd to say that when you are dealing with people who in some cases are in intense crisis as adults after being criminally assaulted as children or who are family members attached to such people. But the opportunity is to bring greater attention to the way in which matters of criminal sexual assault and other crimes against children are carried out in churches—not specifically the Anglican churches but all churches—and the way in which adults who were victims can be dealt with in society, and it is to do with the scale of the problem. I am aware that the Governor-General is a patron and participant in many community based organisations. Is this opportunity being understood and being developed?

**CHAIR**—Mr Bonsey, before you answer that: Senator Murray, I understand the sincerity in which you ask that question, but it is getting a little bit beyond estimates. It is a question



about public policy that really does not relate so much to public expenditure. Mr Bonsey may wish to answer the question.

**Mr Bonsey**—I am very happy, Mr Chairman, to answer it.

**Senator MURRAY**—Let me just put it in its framework. If you go down the path in that direction, there are costs: there will be the Governor-General's time and his efforts.

**Mr Bonsey**—Certainly. I was going to relate it to public business by, in a sense, picking up the Governor-General's Australia Day address in which he made what I regarded—certainly, it was intended—as a very sincere acknowledgment of the situation that he now had. Really it was very much in the same direction as the point you are making: of seeing the attention being given to the issue as an opportunity to get some good coming out of it.

On the question of the direct cost potentially involved in that, I think that is a bit further down the track, according to what sort of activities there might be. If it is focusing on the issue in the way that previous governors-general have had particular interests that they have pursued, that is absorbable within the Governor-General's normal program. If one is looking at something more proactive, without getting into the issue of the Governor-General starting to encroach on areas that ministers would regard as properly policy ones but having that greater degree of activity, it might well be that there are some resource issues coming out of that. But I guess I would see that as being down the track a little way.

**Senator MURRAY**—My last area of questioning is this, and you can correct me if I am wrong, but I have the impression that the general statement had the imprimatur of the Governor-General's office: there is a story being put out that a political agenda is being attached to the raising of these allegations, the matters at hand, and calls for the Governor-General to resign. That may have been meant in the broad sense of politics. In the narrow sense of politics—and you can judge it from the remarks of Senator Faulkner today or the remarks of Mr Crean yesterday—my judgment has been that professional politicians have, in fact, handled the matter so far with great care.

**Mr Bonsey**—I agree with you totally, Senator.

**Senator MURRAY**—To me, there is no sign of any kind of political conspiracy or agenda. Could you perhaps clarify for the committee that particular set of remarks?

**Mr Bonsey**—Certainly.

**CHAIR**—Senator Murray, once again that is a very broad question. It is very difficult for Mr Bonsey to remark on that.

**Senator MURRAY**—This is a general question time.

**Senator BRANDIS**—Mr Chairman, can I make a comment? What Mr Bonsey is being asked to do is offer his own personal comments on a set of political observations—nothing more, nothing less. With respect, even on the most generous view of the admissibility of questions, that really is beyond the bounds.

**Senator MURRAY**—Through the chair: I did preface it by saying that, as I understood, it was a statement from the Governor-General's office. If it was not, then I take the point. If it was, then I believe there should be a question.

**Mr Bonsey**—I would like to make just a very succinct response to it, if I may.

**CHAIR**—Go ahead.

**Mr Bonsey**—Certainly, there is nothing envisaged, or there is no perception, of a party political element in that. I think the comment being made there is that the issue does pull in a variety of agendas. I am not saying any more than that.

**Senator FAULKNER**—One final question on this matter: as we conclude questioning on this issue, I suppose it is a good opportunity for you to indicate whether the Governor-General is concerned at the impact of this affair on the level of respect that Australians have for the office. Is that one of the motivating issues in relation to the Governor-General's response?

**Mr Bonsey**—He is, of course, deeply concerned. I think the incumbent of any office has to have a great regard to the way in which the office is held. That is said in a context where there is a broad political agenda—I use that term in a completely non-partisan way—about future constitutional directions or whatever which has an impact on the office. The Governor-General says nothing about that debate. But, yes, clearly there will be a concern about the standing of the office. One of the comments which he made yesterday which I have heard on the radio since is that he makes a distinction between the office and himself. To the extent that people are saying, 'The office is damaged,' he is saying, 'Well, no; I am doing all my duties in a perfectly unexceptional way.' He says that that is what he is certainly going to do and that the issue about his personal reputation is a separate one. That is what he clearly is addressing in his responses to the allegations that have been made.

**Senator FAULKNER**—We will see two full transcripts on the web of the two interviews—is that the import of what you are saying?

**Mr Bonsey**—I do not know the details of it, but my understanding is certainly that the *Australian Story* web site will have a transcript covering more subject matter than it is possible for them to have included in the broadcast.

**Senator FAULKNER**—The only reason I ask that—and I think that is important—is: do you know whether that was the initiative of the Governor-General's office or of the *Australian Story* program itself?

**Mr Bonsey**—It was a development which emerged in the making of the program.

**Senator FAULKNER**—*Australian Story* is a half-hour show, isn't it?

**Mr Bonsey**—They are going to 45 minutes.

**Senator FAULKNER**—Isn't there a risk? You said they were two very substantial interviews that the Governor-General did. There is a bit of a risk, isn't there, for anyone who participates in these things that are not live that some of those matters that are very important to the interviewee are left on the cutting room floor?

**Mr Bonsey**—That is always an issue and, to the extent that there are such excisions, our motivation is to have the transcript of them available in any event.

**Senator FAULKNER**—Yes. I would say to you that from that point of view it might be useful if the full transcript is available on the web, just so that neither the Governor-General himself nor those who are conducting the program can be aggrieved in any commentary that arises. I think it is a useful fall-back to have that available. I am just a little concerned that there are some other interesting elements that might be put on the web. I think in this circumstance with the Governor-General being the interviewee it might be valuable to have the full transcripts of both recorded interviews there, for what it is worth.

**Mr Bonsey**—Yes.

**Senator FAULKNER**—Again, the decisions are made by somebody as to what part is posted on the web and what part of the interview is not. I do not think any of us would want to see a situation where something is missing that is very important from the point of view of the Governor-General that he might have said in response to questioning by *Australian Story* or by the interviewer. It is not a criticism of the program or the interviewer; I do not even know who it is. The way through those concerns, which I think you are addressing, and I think that is appropriate, is probably to see the whole lot there.

**Mr Bonsey**—Yes. My only slight technical qualification is that a full transcript would include a lot of repetition and ums and ahs. But it is covering the full—

**Senator FAULKNER**—We all insist that our ums and ahs are taken out. I do not see why the Governor-General should be any different from anybody else in public life in that regard.

**Mr Bonsey**—It is certainly the intention to cover the full range of issues dealt with.

**Senator FAULKNER**—I have one final issue to raise in the office of the Governor-General on a different matter. You would recall the discussion we had at a previous estimates round about the removal of an Australian award from Mr Williams, who was a principal in HIH?

**Mr Bonsey**—Yes.

**Senator FAULKNER**—I am not surprised it is not front and centre in your mind, Mr Bonsey.

**Mr Bonsey**—My recollection is there were questions about not so much removal as identifying nominators or whatever. I probably gave the standard response that we do not discuss any individual nominations.

**Senator FAULKNER**—I am interested in how this applies to recipients of the Public Service medal.

**Mr Bonsey**—I will ask Amanda to provide detail or correct me if I get it wrong. The quasi-legislative framework establishing the medal would have a power in there, I expect exercisable by the Governor-General, for the withdrawal of the medal. The Governor-General would only do that on the basis of a recommendation from the nominating body, which is state and federal governments. That would really be an issue which would be initiated within government. It would be a parallel process to the process of recommending appointments.

**Senator FAULKNER**—I am interested in this case. Let us assume for one moment that a recipient of a Public Service medal had been found to be incompetent and negligent—I am being as generous as I can here. What would be the circumstances for having that award rescinded or withdrawn? How would one go about it?

**Mr Bonsey**—I think any member of the community could address that. The Public Service Commissioner has a coordinating role on a committee which leads to the nominations. I think it would be that same framework that goes about the business of considering nominations that would address whether a recommendation should be made to the Governor-General for the cancellation of such an award.

**Senator FAULKNER**—In relation to the last round of recipients of the Public Service medal, were all nominations received in accordance with the previously agreed time lines, or were there any late nominations?

**Mr Bonsey**—The Public Service medals really come to Government House as a consolidated schedule, and there is a process and quotas for the various states on a per capita

basis, reflecting broad population considerations. That then comes to a coordinating process with the Commonwealth's own consideration of Public Service medals for outstanding service.

**Senator FAULKNER**—That is true also for the Commonwealth recipients?

**Mr Bonsey**—Yes.

**Senator FAULKNER**—So they all come together—recommendations for Commonwealth and state recipients of the award?

**Mr Bonsey**—Yes. And the Governor-General would get a recommendation signed either by the Prime Minister or on behalf of the Prime Minister, and then there are Premier recommendations for the people from the states. We at Government House would not be aware of any timing considerations affecting the earlier nomination process.

**Senator FAULKNER**—Who would sign the letter?

**Mr Bonsey**—I would like to double-check that, but I think it would be either the Prime Minister or possibly Senator Heffernan for and on behalf of the Prime Minister.

**Senator FAULKNER**—Do the nominations for the Public Service medal come via a letter from Mr Howard or his cabinet secretary, as opposed to someone in the Department of the Prime Minister and Cabinet, in the bureaucracy?

**Mr Bonsey**—I would like to check that, if I may.

**Senator FAULKNER**—If you would not mind, could you take that on notice and also when that letter was received?

**Mr Bonsey**—Certainly.

**Senator FAULKNER**—Are you aware whether any Public Service medal has ever been withdrawn.

**Mr Bonsey**—I am not aware of any.

**Senator FAULKNER**—And you would need to look closely at the citation, if that were the case.

**Mr Bonsey**—Yes, the citation is for outstanding service.

**CHAIR**—As there are no further questions, I thank Mr Bonsey and officers for your assistance to the committee this morning. Just a reminder with regard to the question on notice from Senator Faulkner, could you reply to that by 27 March 2002, please.

**Proceedings suspended from 11.26 a.m. to 11.42 a.m.**

#### **Department of the Prime Minister and Cabinet**

**CHAIR**—The committee now calls on the Department of the Prime Minister and Cabinet. I welcome Senator Hill, the Minister for Defence, and officers of the Prime Minister and Cabinet portfolio. Senator Hill, do you wish to make an opening statement?

**Senator Hill**—No.

**CHAIR**—Are there any general questions?

**Senator FAULKNER**—I have some, Mr Chairman. I want to go to some process issues in the department. Mr Henderson, as I understand it, the Department of the Prime Minister and

Cabinet keeps backup tapes of departmental email traffic. I want to establish whether that is the case.

**Mr Henderson**—I will have to ask Dr Sue Ball to provide an answer to that question.

**Dr Ball**—We do back up our email systems in the department.

**Senator FAULKNER**—Thank you, Dr Ball. In relation to the email traffic—the backup tapes—is ‘tapes’ the correct terminology?

**Dr Ball**—Yes.

**Senator FAULKNER**—Are the backup tapes of email traffic in and out of Prime Minister and the Cabinet?

**Dr Ball**—It would be, yes. We back up what is in the ‘in-box’, which is email coming in, and the ‘sent-mail’ box, which email going out.

**Senator FAULKNER**—In relation to these email tapes or this backup, could you let the committee know what the standard operating procedure is for keeping the tapes of this email traffic?

**Dr Ball**—We have been keeping email traffic for the last two years. In that two years, we have changed our email system. Our previous system is different from our current system, but we do have the backup tapes for that.

**Senator FAULKNER**—So I could be confident that email traffic from, let’s say, Mr Henderson, from the middle of last year has been kept and will be kept?

**Dr Ball**—To the best of my knowledge, yes, we would have that email traffic.

**Senator FAULKNER**—But there would be no exceptions to that email record, would there, Dr Ball?

**Dr Ball**—There could be, in the sense that we do backups each night. If someone sent an email and deleted that from their sent mailbox, we would not back that up.

**Senator FAULKNER**—I see. Anyway, whatever is backed up of an evening, that would be available for the last two years.

**Dr Ball**—Yes, it should be.

**Senator FAULKNER**—Thanks very much, Dr Ball. Mr Henderson, what about the phone logs of outgoing numbers? What is the Department of the Prime Minister and Cabinet’s practice in relation to keeping those phone logs? I do not think they would be logs; I suppose would be telephone records.

**Mr Henderson**—Again, Dr Ball is best placed to answer that question.

**Dr Ball**—We do keep a record of traffic going through the PABX, but I would have to check for you how long those records are kept.

**Senator FAULKNER**—In relation to this, it is one thing to keep a record of outgoing calls. Incoming would be, I assume, very difficult if not impossible. Would that be right?

**Dr Ball**—Yes, that is correct.

**Senator FAULKNER**—But you do not know how long those records are kept?

**Dr Ball**—No, I would have to check for you.

**Senator FAULKNER**—Mr Henderson, I would hope that some efforts would be made in relation to the issues that might be canvassed by the Senate Select Committee into a Certain Maritime Incident which has just been established. I am not suggesting for one moment that this would not be the case but, if you could ensure that those records were kept and protected, that would be helpful.

**Mr Henderson**—I can give you that assurance.

**Senator FAULKNER**—Thanks very much indeed. In relation to certain officers of the Department of the Prime Minister and Cabinet, home phones are also paid for, aren't they?

**Mr Henderson**—Some are, yes. It used to be quite widespread; it is no longer the case.

**Senator FAULKNER**—I appreciate that; I am not critical of it. My question goes to the keeping of the records in this area. Perhaps Dr Ball could let us know what happens in relation to the home phones, and the records, of senior officers of the Department of the Prime Minister and Cabinet.

**Dr Ball**—We have no record of phone calls made from home numbers. Most officers in the department use a mobile phone, and those bills come through my area, so we do have records of calls made from those mobile phones.

**Senator FAULKNER**—I was going to go to mobile phones, but specifically there would be landlines in some—Mr Henderson says, properly, a limited number—senior officers' homes.

**Dr Ball**—Yes.

**Senator FAULKNER**—And the telephone records would indicate the detail of outgoing calls in terms of time made, duration and the phone number dialled. Wouldn't they?

**Dr Ball**—Yes, they would.

**Senator FAULKNER**—Could I have a similar assurance, Mr Henderson, in relation to home phones of senior officers of the Department of the Prime Minister and Cabinet, for relevant senior officers' mobiles and home phones, that those records could be similarly protected?

**Mr Henderson**—Yes, you have my assurance.

**Senator FAULKNER**—I appreciate that. That is very helpful. I go to the question of the task forces or IDCs that have been established in the department. It is some time, Mr Henderson, since we canvassed this at an estimates committee. I think it would be valuable today if in relation to the people smuggling area, refugees and the like—those issues in the broad—you could quickly outline to the committee the task forces, IDCs, committees, inquiries and so forth that have been established in those areas.

**Mr Henderson**—In the broad, Senator, I can read into the transcript the following information on specifically the issue you raised—namely, the people smuggling task force.

**Senator JACINTA COLLINS**—If Mr Henderson is able to read onto the record, could I ask that we be provided with a copy of what he is reading as soon as the secretary can organise it?

**CHAIR**—Mr Henderson, you were going to read onto the record a list of interdepartmental committees relating to certain issues that Senator Faulkner had canvassed. Senator Collins has simply asked that this be made available in document form to the committee.

**Mr Henderson**—I would rather read it in, Senator. The point I am making is that I am not directly responsible for this task force, so I want to get it precise—

**Senator FAULKNER**—Just before you do, Mr Henderson, I think you may have slightly misunderstood my question. I do not mind your reading it or tabling it—whatever suits you, that is fine. In the first instance I am trying to identify, just as a preliminary point, the number and nature of IDCs and task forces—there may be fewer than I imagine—and commissioned reviews and the like. I know of some. I am not clear on what their nomenclature is. Could you clear up, in the first instance, how many we have? I appreciate your wanting to put down on the record as precisely as you can about, specifically, the people smuggling task force—obviously we are well aware of its existence. I was asking you more broadly in the first instance just to outline the number of committees or inquiries or commissioned reviews or IDCs or other elements there might be in PM&C or with an involvement by PM&C.

**Mr Henderson**—Senator, the people smuggling task force was established in August 2001. Until December 2001 the task force was chaired by Ms Jane Halton, at the time executive coordinator of the social policy group in the department. Since then the task force has been chaired by Mr Andrew Metcalfe, a deputy secretary in the Department of Immigration and Multicultural and Indigenous Affairs. The task force meets as necessary, depending on the nature of issues requiring attention. I am assuming that it is the period from August 2001—

**Senator FAULKNER**—What date in August was that established?

**Mr Henderson**—I haven't got a precise day here, but there were earlier task forces involved in this general area.

**Senator FAULKNER**—That is what I am asking. That is what I am trying to get clear.

**Mr Henderson**—I could ask somebody to get back to an earlier point in time.

**Senator FAULKNER**—Is the people smuggling task force an IDC?

**Mr Henderson**—In effect it is an IDC, yes.

**Senator FAULKNER**—In effect it is?

**Mr Henderson**—It is called a task force, but it has representatives from the Department of the Prime Minister and Cabinet, the Department of Immigration and Multicultural and Indigenous Affairs, the Department of Foreign Affairs and Trade, the Department of Defence, the Attorney-General's Department, the Department of Transport and Regional Services, the Australian Federal Police, Coastwatch, and the Australian Customs Service. Representatives from other agencies have been co-opted as required.

**Senator FAULKNER**—Thank you for that background—I largely understood it. What about the 1999 Prime Minister's coastal surveillance task force, which was, I thought—from a press release I read some time ago—chaired by Mr Moore-Wilton? Has that collapsed?

**Mr Henderson**—It has finished its task.

**Senator FAULKNER**—When did that end?

**Mr Henderson**—I am not quite sure when that ended.

**Senator FAULKNER**—Could someone help us with that? I am trying to get clear this plethora of IDCs and task forces.

**Mr Henderson**—You used the word 'plethora'.

**Senator FAULKNER**—It is two so far—two and counting.

**Mr Henderson**—The group you referred to was given a specific task to report to the government, and it did so. Once it had completed that task it was discontinued.

**Senator FAULKNER**—When did that discontinue?

**Mr Henderson**—I would have to take that on notice to get you a precise date.

**Senator FAULKNER**—Perhaps Mr Moore-Wilton, who is sitting behind you, could assist us just in the broad. I am trying to understand—

**Mr Henderson**—We can provide that date.

**Senator FAULKNER**—I just thought someone might have a vague clue as to when it ended.

**Senator Hill**—There is a vague clue, but you want a precise date.

**Senator FAULKNER**—What is the vague clue.

**Senator Hill**—What was said to you.

**Senator FAULKNER**—Which is? What is the date?

**Senator Hill**—We do not have the precise date. As we said, we will get it for you.

**Senator COOK**—You gave us a vague clue about the People Smuggling Task Force being August but not the precise day in August. Can you give us a month for this task force?

**Mr Henderson**—We can provide that very quickly. I just do not have the precise date. We can make that—

**Senator COOK**—You do not have a precise date for the other one, either, but can you give us the month, as you have given us for the other one? Mr Moore-Wilton may be able to help you.

**Mr Henderson**—We can get those precise dates over the lunch break.

**Senator FAULKNER**—I have seen reference to not only the Prime Minister's surveillance coastal task force and the People Smuggling Task Force but also an intergovernmental task force on unauthorised arrivals. I read about that somewhere. These may all be the same body. Was there such a body, or is that just another name for one of the pre-existing groups?

**Mr Henderson**—I will provide the precise titles and the dates of their existence in relation to the coastal surveillance work and the People Smuggling Task Force. You have alluded to a third body. I will get you a complete list of titles and dates of what, in effect, have all been interdepartmental groups.

**Senator FAULKNER**—I appreciate that, Mr Henderson. Can that also go to commissioned reviews? For example, I know that Air Vice Marshal Heggen reported on illegal arrivals in Cairns and Nambucca Heads. You would recall that. I think that was a 1999 commissioned review. I would really appreciate it if that document you are going to provide could go to task forces, IDCs, committees, commissioned reviews and the like in the Department of the Prime Minister and Cabinet—and I accept the general thrust of your evidence is that most of these are either IDCs or have the nature of an IDC—because there is a lack of clarity?

**Mr Henderson**—We can clarify all those issues and give you the dates.



**Senator FAULKNER**—This question may be best directed to Dr Ball—I do not know. In relation to these IDCs that PM&C is part of, do the same approaches in relation to email traffic that we were talking about before also apply to task forces on which the Department of the Prime Minister and Cabinet is participating?

**Mr Henderson**—Insofar as the PM&C members of those task forces are using our IT system, it is as Dr Ball has indicated.

**Senator FAULKNER**—But where are practices in this area in the Department of Prime Minister and Cabinet different to what would occur in other departments—or are they different?

**Mr Henderson**—I am not in a position to answer that. Perhaps Dr Ball is, but the fact is that she is an authority on our own system not on the systems that apply in other agencies.

**Senator FAULKNER**—As you know, I always give great credit to PM&C as the lead department, Mr Henderson.

**Mr Henderson**—Thank you, Senator. I appreciate that.

**Senator FAULKNER**—I do not doubt that your practices are adopted by other departments.

**Dr Ball**—What Mr Henderson has said is basically correct. I am aware of our practices within the department; I could not really comment on the practices in other departments—best practice is that you would back up any changes to email or files in your system each night.

**Senator FAULKNER**—This practice would apply to people working within PM&C on a task force, to PM&C members of a task force, but not necessarily to any other category of public servant?

**Dr Ball**—That is correct. Non-PMC people working on the task force are clearly working within their own department, on their own IT equipment, and the practices that are implemented there would apply.

**Senator FAULKNER**—But of course it is true, isn't it, Dr Ball, that in some other portfolios—let us take Defence, for example—there is actually a practice to tape telephone calls and keep the tapes of telephone calls.

**Dr Ball**—I understand that in some parts of Defence, that may be true.

**Senator FAULKNER**—That would be the practice of Maritime Command, wouldn't it, to keep the taped telephone calls?

**Dr Ball**—I could not answer that, Senator. You would have to talk with Defence.

**CHAIR**—I am sorry Dr Ball. Senator, that is probably outside Dr Ball's expertise.

**Senator FAULKNER**—I appreciate it is something that, in time, I will direct to the Minister for Defence. I was going to ask whether it was the practice in Northern Command, but I think Dr Ball is indicating that she is not entirely aware of what happens in Defence. It is not the practice in Prime Minister and Cabinet, of course, to tape telephone calls, is it?

**Dr Ball**—No, Senator, it is not.

**Senator FAULKNER**—I thank Dr Ball for that level of information. Mr Henderson, I think you indicated that this information that you are going to provide for us on the task forces might go to the times that these task forces are in operation—would that be possible?

**Mr Henderson**—Yes. You mean the start date for the establishment of the group?

**Senator FAULKNER**—Well, it does sound like there is a finish date for some of them, too.

**Mr Henderson**—Yes, there is.

**Senator FAULKNER**—I think terms of reference would be helpful. Would that be able to be made available?

**Mr Henderson**—We will take that on notice. I would expect so, yes.

**Senator FAULKNER**—I think one of them is canvassed in your annual report, from memory, so that would be helpful. Can we have dates and terms of reference. If it is possible; if you have enough time over the break, could you tell us the detail in relation to these task forces—whether minutes were kept, the way they worked administratively. Any detail would be very helpful background to the committee, and we would like to have a look at that. In relation to the People Smuggling Task Force, you have told us that that was established in August 2001, and you have told us about the detail of the chair and how it changed in December of last year. That is appreciated. What were the administrative practices in relation to this task force? Who acted as the keeper of the minutes for that particular task force? Which officer had that responsibility?

**Mr Henderson**—I will have to just take some advice on that, if you would bear with me.

**Senator Hill**—Mr Chairman, I am all for transparency and the press taking some photographs, but it is a touch distracting and I wonder how long it is going to continue.

**CHAIR**—It is a fair question, Minister. I did give permission, having consulted with Senator Faulkner, about the press taking photographs, but perhaps it is going on a bit long.

**Senator FAULKNER**—Do you want them to take them quietly, Senator Hill? It may be a technological difficulty.

**CHAIR**—They will be another couple of minutes. Is that all right?

**Senator Hill**—Yes.

**CHAIR**—Thank you, Minister.

**Mr Henderson**—Chair, Ms Jennifer Bryant should be able to provide assistance to address Senator Faulkner's question.

**Ms Bryant**—I believe your question was: were minutes kept and who took the notes at those meetings?

**Senator FAULKNER**—I am aware of what is in the published material. I will come back to Ms Bryant in a second. Mr Henderson, it might be better to start at this point: could you tell us how the membership of this IDC, from PM&C's perspective, was determined? Who decided who sat on the task force? We know what the membership of the People Smuggling Task Force is because it is in Ms Bryant's report that the Prime Minister tabled. Let me turn it up—it is at the bottom of one of these pages. Here it is. So Ms Halton and Ms Edwards are from your department.

**Mr Henderson**—Senator, I read through the membership of the People Smuggling Task Force. On my reading of that, it is self-evident why the various agencies listed there would be members: they would be agencies required to contribute to strategies to handle these matters.

**Senator FAULKNER**—Fine—I do not doubt that. I am asking you: how did the Department of Prime Minister and Cabinet determine its membership of the IDC? What was the basis of it?

**Mr Henderson**—I do not know the background to the selection of the members of that committee, but obviously it is—

**Senator FAULKNER**—Let's go back another step: who made the decision on the membership of the task force?

**Mr Henderson**—I am not aware of precisely who made the decision. It would clearly be an issue that would have been addressed by the senior officials in the department involved, most likely the Secretary and Ms Halton.

**Senator FAULKNER**—Can't we clear this one up? Perhaps you could just ask Mr Moore-Wilton, who is sitting behind you; he can tell us and we can just move on.

**Mr Henderson**—I think it is best if the secretary, Mr Moore-Wilton, comes to the table.

**Mr Moore-Wilton**—My recollection was that the secretary of the department of immigration, Mr Bill Farmer, telephoned me some time on or around the time at which the task force was established—so it would be August—to indicate that people smuggling issues were becoming extremely complex and that the department of immigration felt that a whole-of-government approach was needed in regard to considering the issues and providing advice to ministers. I agreed with him.

We discussed whether Immigration—shorthand for the department—should chair the committee, because they had the principal responsibility at that stage in dealing with what you might call generic issues relating to people smuggling. He suggested to me, since it would be whole-of-government, that Prime Minister and Cabinet would best undertake that role. I consulted with my colleagues—in particular Ms Halton, who was the executive coordinator in charge of the broad area of immigration—and it was decided that we would accede to that request. I then charged Ms Halton, as the most senior departmental officer in the department, with the functional responsibility, to convene the task force and to select the members in consultation with the relevant departments. My understanding is that the task force then went about its work. It was convened on the basis that it would meet as necessary and until and if departments and members considered there was no longer a need for a whole-of-government approach.

**Senator FAULKNER**—I assume that departments and agencies determined their own membership of the task force at what they deemed to be an appropriate level.

**Mr Moore-Wilton**—Generally speaking, although it was indicated that the membership of the task force should be at a very senior level. I think all of the key departments and agencies in that regard cooperated.

**Senator FAULKNER**—You mentioned Immigration. One of the very noticable things is that the secretary of Immigration, as you or Mr Henderson indicated, is a member of the committee, but Defence is represented by a group captain.

**Mr Moore-Wilton**—That depended, Senator. Air Vice Marshall Titheridge, the head of Strategic Command, was basically the senior Defence representative. My understanding—but we would need to check our records—was that Air Vice Marshall Titheridge regularly attended. But, given the Defence chain of command, we allowed—I think Ms Halton allowed—additional Defence representation, because there were obviously very many detailed issues that were being considered. So I think Air Vice Marshall Titheridge was the senior representative, and there were some other members. I do not have that detail, but we can provide it.

**Senator FAULKNER**—I would appreciate that. Ms Bryant, in her report, indicates the task force membership of the meeting on the morning of 7 October. What about the lines of communications from the task force to you, Mr Moore-Wilton? How did that work?

**Mr Moore-Wilton**—The task force, as I said, was under the chairmanship of Ms Halton. As I was not a member of the task force, Ms Bryant can either agree or disagree, but my understanding is that the task force prepared reports on a needs basis which then were circulated to the heads of the relevant agencies, which indicated the key issues. Sometimes those reports came on a daily basis and sometimes, depending upon the nature of the exercise, they came on other occasions. I would receive those task force reports, as they were prepared, some time later. Occasionally Ms Halton would give me a verbal report if there was some issue which she thought should be brought to my attention at a particular point in time.

So generally speaking there were task force reports, which in some cases were daily and on other occasions, if she considered it necessary, she would give a verbal report to me on any issue which she thought should be brought to my attention. Ms Bryant reminds me that the written reports were also passed to ministers' officers.

**Senator FAULKNER**—But in terms of the written reports, it is agency heads or department heads that receive them?

**Mr Moore-Wilton**—And ministers' offices. The whole purpose of the written reports was to distil the essence of the issues discussed at the task force at a particular point in time.

**Senator FAULKNER**—It would be interesting to understand more—and perhaps in time we will—about the attendance pattern of the People Smuggling Task Force, but from the point of view of PM&C, was the PM&C representation fairly constant?

**Mr Moore-Wilton**—Yes. What you might call the regular PM&C representation was Ms Halton, Ms Katrina Edwards and Ms Bryant. We also had, from time to time, representation from the international division of PM&C, under Mr Michael Potts. But the core PM&C representation was essentially from Ms Halton's area, as appropriate—she was the immigration branch.

**Senator FAULKNER**—But, Mr Henderson, who were the formal representatives on the task force? Was that Ms Halton and Ms Edwards—the formal PM&C—

**Mr Henderson**—The chair was Ms Halton and the division head responsible for the immigration area was Ms Katrina Edwards. They are the two senior permanent members of the task force.

**Senator FAULKNER**—So how regular were the meetings of this task force from the time it was established?

**Mr Moore-Wilton**—They were on a needs basis, Senator. In some cases the task force met on the weekends. It met as the need arose. In some cases they worked late in the evening, and early in the morning. It was at the discretion of the membership of the task force or the chair. We can provide you with the dates of the actual meetings, of course.

**Senator FAULKNER**—Thank you for that; that would be helpful. So it was quite common for the task force to meet on a weekend, was it? One of the key task force meetings which Ms Bryant identifies in her report was on Sunday, 7 October. But this was not an uncommon thing?

**Mr Moore-Wilton**—In as much as there was a need, the task force met and, generally speaking, before advice was given to ministers and the Prime Minister, the task force was

convened to bring a whole-of-government view to the advice that was prepared and presented to the government.

**Senator FAULKNER**—You, of course, Mr Moore-Wilton, were the person who received the letter from the Prime Minister after the last election, in broad terms—I think I am being fair here—asking for the ‘children overboard’ incident to be investigated. I think that is a fair summation of it.

**Mr Moore-Wilton**—That is correct.

**Senator FAULKNER**—Did you make the decision about how this particular matter would be investigated within the department?

**Mr Moore-Wilton**—The Prime Minister raised with me the point that he wished the task force to investigate—the circumstances relating to what appeared to be conflicts of information in regard to whether or not children had been thrown overboard, in the light of the media speculation which had emerged, principally in November, during the latter stages of the election campaign. I indicated to him that it had been brought to my attention obviously around this time after the election, and that the Chief of the Defence Force had instituted a ‘within Defence’ inquiry, which subsequently he has been told has been undertaken by Major General Powell. I indicated that to the Prime Minister. The Prime Minister indicated that because the task force had charge of the whole-of-government issue and because the issue might involve departments wider than Defence, he wished the task force to undertake an investigation and report to him. He subsequently wrote me a letter, which I think has been tabled, asking for this investigation to be undertaken by the task force.

**Senator FAULKNER**—Is that the letter of 13 November, the one that is included in Ms Bryant’s report?

**Mr Moore-Wilton**—There is only one letter, so that would be it. I understood that the CDF, Major General Powell, was undertaking—I am not sure of the exact terminology—an ordinary inquiry. I then tasked Ms Bryant, who was a senior executive service officer who had been involved in the task force discussions, but had not chaired it, and Ms Katrina Edwards, who was her senior officer, and the First Assistant Secretary, and who had been transferred, through the normal course of events, by this time, I think, and was about to transfer to another department.

So Ms Edwards was leaving the department. In that circumstance I tasked Ms Bryant to undertake the work and I also conveyed that to the CDF. It was agreed that it would probably be in the interests both of utility and of carrying forward the investigation that the task force await the report of Major General Powell, take into account that report and then conduct any further investigations that they thought necessary and that is what happened.

**Senator FAULKNER**—So it was you who decided that Ms Bryant should undertake the inquiry?

**Mr Moore-Wilton**—Well it asked that the task force do it and Ms Bryant was a member of the task force.

**Senator FAULKNER**—Yes, I am aware of that. Were any directions provided as to the type of inquiry that might be appropriate here?

**Mr Moore-Wilton**—No, but Ms Bryant can speak to that if you wish. My instruction to Ms Bryant was to undertake a full and fair inquiry and, if she needed any further assistance from me or from the department, she was to let me know.

**Ms Bryant**—That is also my recollection, Senator. Mr Moore-Wilton encouraged me to proceed with all reasonable haste but not to cut any corners, to take into account fully the advice that the Australian Government Solicitor had given me about procedural fairness and natural justice and to ensure that those processes were followed fully.

**Senator FAULKNER**—So you had the benefit of a discussion with Mr Moore-Wilton about the way this would be progressed?

**Ms Bryant**—I did talk to him on two or three occasions.

**Mr Moore-Wilton**—About process, not about content.

**Ms Bryant**—That is correct.

**Senator FAULKNER**—You sought advice from the Australian Government Solicitor?

**Ms Bryant**—Yes, I did.

**Senator FAULKNER**—And that advice went directly to you?

**Ms Bryant**—Yes, it did.

**Senator FAULKNER**—Did you seek advice from other senior officers within the Department of the Prime Minister and Cabinet about how you might progress the inquiry?

**Ms Bryant**—I do recall talking briefly with Ms Edwards about the approach to writing the report. I had a discussion that went to did I include all the evidence in a summarised form, for example, in presenting the report to make it entirely self-contained. I recall, as I neared completion, talking to Mr David Webster, who is now acting head of the social policy division—again, in terms of presentation—about how best to convey the information. They were not discussions about how I should proceed or about content; they were more about presentation once I had collected the evidence.

**Senator FAULKNER**—Did you have much of a role yourself, Ms Bryant, in the work of the People Smuggling Task Force? I appreciate that you are in the relevant branch and so forth, but I wondered what engagement, if any, you might have had with the workings of the People Smuggling Task Force.

**Ms Bryant**—My recollection is that when the task force was first established around August 26 or 27—around the time of the arrival of the *Tampa*—I attended a small number of meetings in those early days—in late August, perhaps early September—perhaps half a dozen. I would have to check precisely. I then did not attend the task force meetings until at least the second half of October. I was on leave at the time of the SIEV 4 incident.

**Senator FAULKNER**—I am sorry, I was just distracted there. Do you want to raise your issue, Mr Chairman?

**CHAIR**—I was going to discuss it informally, Senator Faulkner, but we have had media in here since we resumed and I think it is proving distracting for the witnesses. So perhaps if the cameras could leave within three or four minutes. If that is alright then we will call it quits then.

**Senator FAULKNER**—I am very sorry, Ms Bryant. I was distracted for the last two sentences of your answer. Would you repeat that?

**Ms Bryant**—I think I said that I recall attending a small number of meetings in the early days following establishment of the task force—that would have been late August, early September. I then did not attend any task force meetings to my recollection through the rest of September and the first half of October. I was on leave from 6 to 14 October, which is the

period when these events occurred—being in the school holidays. Since the second half of October, I have attended most task force meetings and, particularly since Ms Edward's departure, I have been the main PM&C representative under Mr Metcalfe's chairmanship.

**Senator FAULKNER**—Since when, October?

**Ms Bryant**—In the second half of October I started attending meetings following my return from leave around 15 October.

**Senator FAULKNER**—So you were present for much of the time when those matters which you were investigating were taking place?

**Ms Bryant**—I was on leave from 6 October to 14 October. I was not present during the week that this incident took place.

**Senator FAULKNER**—But from mid-October, you were?

**Ms Bryant**—For much of the second half of October I would have attended a fair number of meetings.

**Mr Moore-Wilton**—In regard to that, unless my recollection of Ms Bryant's report and the documentation is incorrect, the issue you are relating to was not discussed in the task force from mid-October onwards.

**Senator FAULKNER**—I am merely trying to establish what Ms Bryant's role was with the task force.

**Mr Moore-Wilton**—I am just trying to be helpful, Senator.

**Senator FAULKNER**—I appreciate that. You are being very helpful. You were directly responsible, Ms Bryant, to Ms Edwards, as I understand it. She was your immediate superior, is that correct?

**Ms Bryant**—She was for much of that time, yes.

**Senator FAULKNER**—And she was the First Assistant Secretary of the Social Policy Division of PM&C and a formal task force member?

**Ms Bryant**—That is correct.

**Senator FAULKNER**—Ms Edwards' direct superior during this period was Ms Halton?

**Ms Bryant**—Correct.

**Senator FAULKNER**—And Ms Halton was the Deputy Secretary directly responsible to you, Mr Moore-Wilton?

**Mr Moore-Wilton**—That is correct.

**Senator FAULKNER**—Appreciating the Prime Minister's letter—and I notice he requested the People Smuggling Task Force to conduct an examination of these issues—were you concerned at any stage, Mr Moore-Wilton, about the nature of those inquiries, in other words, Ms Bryant inquiring into matters in which, to some extent, she had been involved with her official duties and responsibilities as an officer of PM&C and also reporting directly to her immediate and other superiors? Did you have any concerns about this?

**Mr Moore-Wilton**—Since the inquiry was to be undertaken and documented and made available to the Prime Minister and since the Australian Government Solicitor was consulted, I considered that due process was followed at all times. Given that Ms Bryant had not been a principal in any of the discussions of the task force and, secondly, had generally not been there during the time that the SIEV4 issue was live, and given that she was the most senior

available officer in PM&C—and I have noticed some press comment about Ms Bryant's status, which is approximately the same as a major general in the Australian defence services—I considered it entirely appropriate.

**Senator FAULKNER**—So you had no qualms at all that this might impact upon views about the independence of the PM&C inquiry?

**Mr Moore-Wilton**—Since the material was documented, I am prepared for the material to speak for itself. It was not a judicial inquiry, it was not a public inquiry and the material was not available, as I understood it, to be used in any court. In those circumstances, it was an internal inquiry, similar to the internal inquiry conducted by the Australian Defence Force and commissioned by the CDF.

**Senator FAULKNER**—You mentioned General Powell's report. Did General Powell have any involvement at all in any of the issues upon which he was asked to report?

**Mr Moore-Wilton**—I do not know, Senator, but I do know that the Australian Defence Force has substantially more resources available to it at that level than I do in the Department of the Prime Minister and Cabinet.

**Senator Hill**—Do you think that is right?

**Mr Moore-Wilton**—I am certain, Senator.

**Senator FAULKNER**—The substantive point is: was General Powell completely independent and removed from those events he was investigating?

**Senator Hill**—He is part of the same community; he is part of the Defence Force inquiring into the Defence Force's contribution to this particular matter.

**Senator FAULKNER**—He is part of the Defence community, Senator Hill, that is true—so are many tens of thousands of others in the ADF—but he was not a member of the People Smuggling Task Force asked to investigate the People Smuggling Task Force.

**Mr Moore-Wilton**—I had no choice in that regard. The Prime Minister instructed me to have the People Smuggling Task Force undertake the inquiry. I did not discuss the Prime Minister's letter with him. That was the Prime Minister's request to me. I considered, however, that Ms Bryant was a suitable officer to carry out the inquiry, and I have had no reason since to consider that was other than proper. You can speculate, but I cannot speculate any further. I can only tell you what my view is, and I have done that.

**Senator FAULKNER**—I am not speculating. It was obviously open to you, as the individual that the Prime Minister wrote to, to indicate that perhaps it might be appropriate for another officer in PM&C to conduct such an investigation if you had any concerns about the independence of the PM&C inquiry. That would be open to you, surely.

**Senator Hill**—Mr Max Moore-Wilton has answered the same question four times now, just slightly rephrased on each occasion.

**Senator FAULKNER**—I think you made the point, Mr Moore-Wilton, that those who spoke to Ms Bryant were not on oath, that she did not receive sworn evidence. Did you see that as a weakness, Ms Bryant?

**Ms Bryant**—No, Senator. The Government Solicitor had advised me that the inquiry would take place under general executive power rather than under any statute that would enable evidence to be taken in a sworn way. I had to rely on the cooperation of the individuals.



**Senator FAULKNER**—Were you comfortable in reporting on the actions of your immediate superiors?

**Ms Bryant**—Yes, Senator. In following process, I sought to take evidence from people. I always had a notetaker present. I took a written record of all the discussions I had with the people involved, and I in fact passed those records back to the individuals and asked them to sign them as a true record, in part to increase the probative weight of their evidence. I did the same with my immediate superiors and was confident with that process.

**Senator FAULKNER**—I noticed the date on the report is 21 January 2001.

**Ms Bryant**—That is a misprint. It is 2002.

**Senator FAULKNER**—It should be 2002; of course. The date on the published report is 21 January. When did you finalise the first draft of this report?

**Ms Bryant**—Around the 11th of January. The week before I handed my report to Mr Moore-Wilton to be passed to the Prime Minister, I consulted the Government Solicitor. I provided him with a draft of the report in that week, I recall, and sought his advice as to which pieces of the evidence, and the findings, would need to be referred, in natural justice terms, to individuals. I am fairly confident it was late in the previous week, because I met the Government Solicitor on the Tuesday of the week before I finalised the report. So it was probably the previous Friday.

**Senator FAULKNER**—Did the process of providing the AGS with a draft report result in any changes to the report?

**Ms Bryant**—Not of itself; no. I provided, on their advice, extracts from the contents of the report, at that stage, to affected individuals. I certainly amended the report subsequently, primarily to add a significant body of material to take into account the additional comments that they made to me. None of my findings or recommendations varied in substance.

**Senator FAULKNER**—The affected individuals: would they receive just part of the report or the whole of the draft report?

**Ms Bryant**—They received part of it. I would give them the summary of evidence as it related to them—both their evidence directly to me that I was using and where others spoke of them—and I also gave them the findings that related to that body of evidence. So in some cases the material given to individuals might be, for example, about four pages in total.

**Senator FAULKNER**—Affected individuals would not obviously only be in the Department of the Prime Minister and Cabinet. I assume a majority of them were elsewhere in the Public Service. Would that be right? Could you define it for us?

**Ms Bryant**—On the Government Solicitor's advice, the individuals that I gave the report to were those in respect of whom, on his reading, it could be thought there might be an adverse inference drawn. I would have to double-check precisely who I went back to. My recollection is that I went to 11 people.

**Senator FAULKNER**—But they were not confined to the Department of the Prime Minister and Cabinet, obviously.

**Ms Bryant**—No, they were primarily elsewhere.

**Senator FAULKNER**—And you only showed a draft copy of the report to the Australian Government Solicitor?

**Ms Bryant**—I did give Mr Moore-Wilton a copy of the draft in that final week, around the time I gave to the Government Solicitor—so probably the Tuesday or possibly the Wednesday of that final week.

**Senator FAULKNER**—You gave the draft report to Mr Moore-Wilton.

**Ms Bryant**—In that week, I do recall, yes.

**Senator FAULKNER**—In its entirety.

**Ms Bryant**—Yes.

**Senator Hill**—About the same time she gave it to the Government Solicitor.

**Senator FAULKNER**—How substantial were the changes in the draft report, did you say?

**Ms Bryant**—I should be clear. Mr Moore-Wilton did not ask that I make any changes to any findings, recommendations, or any of those matters.

**Senator Hill**—She has already said there were no changes in substance as a result of putting it to particular witnesses.

**Senator FAULKNER**—Thank you, Senator Hill. That is very helpful.

**Senator Hill**—Well, you went on to say, ‘How significant were the changes?’ I am saying she has already answered that question.

**Senator FAULKNER**—That is right.

**Senator Hill**—I am just trying to be helpful.

**Senator FAULKNER**—We know that, prior to the report being formally handed to Mr Moore-Wilton, a draft report goes to Mr Moore-Wilton and a draft report goes to the Australian Government Solicitor. That is right, isn't it, Senator Hill?

**Senator Hill**—That is as I understand it. That is what I have heard this morning.

**Senator FAULKNER**—Yes. All I am trying to establish is what the changes were between the draft report and the final report. I am sure it is quite straightforward.

**Senator Hill**—But you have asked of the significance of the changes. What I am saying is she had earlier told you there were no changes in substance.

**Senator FAULKNER**—I am sure there is no need to run interference, Senator Hill. I am sure Ms Bryant can more than adequately deal with what is a fairly straightforward question. There is no need for any interference.

**Senator Hill**—All I am saying is she has to watch out for you asking the same question twice, trying to tease out some sort of small difference in emphasis.

**CHAIR**—We are watching the nuances, Senator Hill.

**Senator FORSHAW**—Good to see you so forthcoming.

**Senator HILL**—Very forthcoming, Senator.

**Senator FORSHAW**—I thought that is what this was all about.

**Senator Hill**—It is. You do not need the same information twice, though.

**Senator FORSHAW**—Some people have got it.

**Senator COOK**—She is the equivalent rank of a Major General. She seems to be doing quite well.

**CHAIR**—Senator Faulkner, it would be a good time to break now.

**Senator FAULKNER**—I have just asked the question. I was waiting for the banter to subside and allow Ms Bryant to answer.

**CHAIR**—Ms Bryant, please go ahead.

**Senator Hill**—What was the question?

**Senator FAULKNER**—You just said you did not want me to ask questions more than once!

**Senator Hill**—She does not have to answer the same question twice.

**CHAIR**—Considering the nature of the changes, Senator Faulkner, I think that is right.

**Senator FAULKNER**—I get the feeling you are running interference, Senator Hill.

**Senator Hill**—Oh, no. I might as well play some role, if I am sitting here all morning.

**Senator FAULKNER**—We are talking, Senator Hill, about the fact that Ms Bryant's draft report goes to the Australian Government Solicitor and Mr Moore-Wilton. That is the issue. I am just asking if Ms Bryant could be very clear about the nature of the changes from the draft report to the final report that was submitted to Mr Moore-Wilton to go to the Prime Minister.

**Ms Bryant**—Senator, as I said before, having presented people with extracts of the evidence as it related to them and the findings I proposed to make, I then added a significant body of material to the report. Where individuals said, 'I have an additional recollection,' or whatever I incorporated all that material in the report. I did not make any changes in substance to the findings I made and I did not make any changes to the recommendations.

**Senator FAULKNER**—What changes were made?

**Senator Hill**—She has just answered that.

**Ms Bryant**—To incorporate the material, the responses that others had made.

**Senator BRANDIS**—Mr Chairman, can I raise an issue going to the line of questioning Senator Faulkner is pursuing. The witness has told the committee that there were no material changes or no changes of substances between the draft and the final report. Can I suggest to you that, that being the evidence, it is really not proper or appropriate for Senator Faulkner to pursue a line of inquiry about changes which the uncontradicted evidence is were not of substance or materiality.

**CHAIR**—That was Senator Hill's point before.

**Senator Hill**—That is what I was trying to get at.

**CHAIR**—Yes, I understand that, Senator Hill.

**Senator FORSHAW**—Yes, but the question was asked about the changes made as to whether they were changes of substance or not. I think Senator Faulkner is trying to find out what the changes were.

**Senator BRANDIS**—No, that is not right. Ms Bryant has produced a report which represents a conclusion of her process of reasoning and a conclusion of her analysis of the facts. In doing so she has assured us that nothing material changed between a draft and the final report. That is conclusive. It is not appropriate for Senator Faulkner or anyone else to question her in relation to matters which cannot be suggested to be material or of substance.

**Senator COOK**—Mr Chairman, with the greatest of respect to Senator Brandis, his interjection is a bit fantastic, as it seems to me that Senator Faulkner's line of questioning goes to what other changes occurred. The officer has said that, broadly, they are not substantial. 'Substantial' is a subjective judgment. If we can hear what the changes are, we can then form a conclusion as to whether we think the honest subjectivity of that judgment is shared by the committee.

**CHAIR**—Senator Cook, I do not have a problem with that, but we are moving forward very slowly and we are not getting very far quickly.

**Senator FAULKNER**—Let me ask a different question. When was it determined to whom and when you would submit your draft report, Ms Bryant?

**Mr Moore-Wilton**—It may be useful if I indicate—I am just checking with Ms Bryant—that, whilst Ms Bryant provided the draft report to me and the Australian Government Solicitor, my recollection is that I did not ask for any changes to the report. Also I indicated clearly, as Ms Bryant said at the beginning and at the end, that it was her report on her sole authority.

**Senator FAULKNER**—You did not have any meetings with Ms Bryant?

**Mr Moore-Wilton**—No.

**Senator FAULKNER**—No discussions with her?

**Mr Moore-Wilton**—No, I did not.

**Senator COOK**—I thought Ms Bryant said that you did have a discussion.

**Senator FAULKNER**—Yes, you cannot have it both—

**Mr Moore-Wilton**—Ms Bryant reminds me that, when I was given Major General Powell's report, I called her to my office and I gave her that report. The CDF had sent me that report in the strictest confidence and indicated that he was providing it only to me. He had one copy and I had the other copy. I telephoned the CDF to say that, in the light of the inquiry that the Prime Minister had asked me to commission, I sought his approval for me to provide Major General Powell's report to Ms Bryant, and he agreed. So I called Ms Bryant up and gave her the report. She talked to me about the general way in which she proposed to conduct the inquiry. I think on maybe one other occasion she indicated to me the process she was following with the Australian Government Solicitor to ensure that natural justice was being given to the interviewees—not to the substance of what they said. The first time I saw the substance of the report was when she presented me with the draft some time during January.

**Senator FAULKNER**—Thank you for that. Ms Bryant, from what you have said to us today, I think it is clear why you went to the Australian Government Solicitor with the draft report. Thank you for that. You might indicate to us when you decided to provide Mr Moore-Wilton with a copy of the draft report.

**Ms Bryant**—My recollection is that Mr Moore-Wilton, I think as I said earlier, had asked me to proceed at the best possible pace and to endeavour to have the report available for the Prime Minister on his return from leave in late January—the 21st I think was his first day back at work. In that week I gave the report to Mr Moore-Wilton because he needed an opportunity to read it, given that it was reasonably lengthy, before it was physically handed to the Prime Minister on that Monday. It was a courtesy, given the timing.

**Senator FAULKNER**—So you decided during that previous week to do that, did you?

**Ms Bryant**—Mr Moore-Wilton himself returned from leave that week, I believe, and—it being then only a matter of days till the report was handed to the Prime Minister—I did make a copy available to him to read.

**Mr Moore-Wilton**—I should also make it clear that at no stage was I aware of who Ms Bryant was interviewing and what she was interviewing them about, nor did I direct her otherwise in that regard.

**Senator FAULKNER**—You have indicated to the committee that you do not have any problems about the independence of Ms Bryant’s report. We have a difference there. I think it is the very antithesis of an independent report, but that is a political argument for another day. You have drawn attention to General Powell’s report. As you would know, General Powell does indicate in his report that, in his view, there is a need for substantial further inquiries, and he so recommends in a range of areas. Is this also the view of the Department of the Prime Minister and Cabinet?

**Mr Moore-Wilton**—Is this question addressed to me, Senator?

**Senator FAULKNER**—I think probably to you, as senior officer of the department at the table.

**Senator Hill**—Further inquiries to achieve what?

**Senator FAULKNER**—You are well aware of General Powell’s report, aren’t you, Senator Hill?

**Senator Hill**—Yes. But I am saying that the Prime Minister asked the head of his department to conduct this investigation—

**Senator FAULKNER**—No, he did not. He asked the People Smuggling Task Force to conduct it—

**Senator Hill**—Information gathering exercise—

**Senator FAULKNER**—a point that Mr Moore-Wilton has really enforced.

**Senator Hill**—The report was put down. I do not understand a question being directed to the secretary of the department, asking ‘Do you now think there should be more inquiries?’

**Senator FAULKNER**—I am asking the view of—

**CHAIR**—Recast your question, Senator Faulkner, please.

**Senator FAULKNER**—It is pretty clear, I think, Mr Chairman. The report that is generated in Defence that has been written by General Powell recommends further inquiries in a substantial number of areas. I was just asking, given that is the recommendation in the Defence report, whether PM&C shares that view.

**Senator Hill**—Further inquiries, as I recall it, significantly in the defence report related to—

**Senator FAULKNER**—If we want to waste the committee’s time, Senator Hill, I could go through and identify where General Powell recommends that further inquiries should take place. But both you and I have read the report and we know that is the case. I was merely asking what I thought would be a fairly simple question about the view of Prime Minister and Cabinet.

**Senator Hill**—But that is a question to ask me, with respect.

**Senator FAULKNER**—No, I am asking whether—

**Senator Hill**—It is an executive judgment, surely.

**Senator FAULKNER**—As the Minister for Defence, do you speak on behalf of General Powell in this regard? It is quite simple.

**Senator Hill**—I speak on behalf of the Prime Minister today.

**Senator FAULKNER**—I am not asking the Prime Minister; I was asking what the departmental view is.

**Senator Hill**—You are asking the official whether he thinks that further inquiries should be conducted. That seems to me to be an inappropriate question to ask.

**CHAIR**—Was your question related to the process of the investigation, Senator Faulkner?

**Senator FAULKNER**—Senator, I do not intend to press it if it is a problem. There are issues that are far more pressing to deal with than that. If Senator Hill is concerned about it, so be it. I ask this of Ms Bryant or any of the other officials at the table: is anyone aware of any direct contact between an officer of the Department of the Prime Minister and Cabinet and any naval vessels involved in these matters we have been discussing from the period of 20 August through to November?

**Mr Moore-Wilton**—To the best of my knowledge, there has been no such contact. All contact with Defence has been through the Defence chain of command—certainly by the Department of the Prime Minister and Cabinet it has never been brought to my attention. We can follow that through, but I have never seen any report that indicates that any officer of the Department of the Prime Minister and Cabinet has spoken directly to the vessel. I think Ms Bryant has had some contact with naval officers in carrying out her inquiry, but only in the context of carrying out the inquiry.

**Senator FAULKNER**—I appreciate that. I was not asking in the context of the inquiry, but I appreciate that Ms Bryant has done that and has reported it. Do we know whether the same goes for staff in the Prime Minister's office and the Prime Minister, apart from official visits to ships?

**Senator Hill**—We do not know, but if you have any specific questions regarding the Prime Minister's office or staff, I will refer them to the Prime Minister.

**Senator FAULKNER**—No, I was just asking. I would appreciate that in the fullness of time, if you could. Was it you, Mr Moore-Wilton, that determined the role that Ms Halton would play on the People Smuggling Task Force?

**Mr Moore-Wilton**—She was the convener of the task force. I determined that she should be the convener of the task force, having been asked by the secretary of the department of immigration that we chair the task force.

**Senator FAULKNER**—So which area of the department is it—I assume it is Ms Edwards's branch—that services the task force, effectively?

**Ms Bryant**—It is the social policy division, Senator, and my branch—the education and immigration branch—in particular.

**Mr Moore-Wilton**—Within that division, as the day-to-day coordination carriage within the department. But our international division also has an interest because of the broader issues. From time to time, it was also involved in the task force, as I mentioned.

**Senator FAULKNER**—I see. You might clear up one issue in relation to this, Ms Bryant. On page 31 of your report, in the second last paragraph, I noticed that Ms Edwards reported to

you that, in response to continuing media reports, Prime Minister and Cabinet had contacted Defence and Strategic Command on 9 or 10 October. Could you shed any light on where that emanated from, whose decision that was? Did you investigate that?

**Ms Bryant**—I believe the following paragraph in the report on the same page, Senator, sheds some light on it. I understood it to be discussed between Ms Halton and Ms Edwards. They had noted media speculation in the press at that time and asked Defence to check.

**Senator FAULKNER**—It was a departmental decision?

**Ms Bryant**—Yes, Senator, to my knowledge.

**Senator FAULKNER**—Effectively Ms Halton's decision, would it be?

**Ms Bryant**—I believe on the evidence available to me that would be right, Senator.

**Senator FAULKNER**—I think there is more evidence available to you, Ms Bryant, than to most. Mr Moore-Wilton, perhaps you could assist us by indicating to the committee precisely when you became aware that children had not been thrown overboard, as opposed to there being no evidence that they had.

**Mr Moore-Wilton**—Senator, I am not aware that children have not been thrown overboard. I do not think anyone has yet established whether children have been thrown overboard or not. What they have established is that there is no documentary evidence. If you go back and read the report of the ship's crew, it has not been established that children have not been thrown overboard. We do know that a number of people jumped overboard. We do not know categorically whether children were thrown overboard, and certainly some members of the crew thought they were. I am not in any position to know whether they were or they were not and I don't know that it has yet been established.

The second point in regard to my knowledge is that on that particular day I think I was in Brisbane closing down the Commonwealth Heads of Government Meeting and getting a basis for re-establishing the new basis for CHOGM. I think I was in meetings all morning with the CHOGM task force—that is another task force that we have—and then I was in meetings with the Queensland Premier's Department all afternoon. So I know for a fact that I was not involved in any detail with the activities of the People Smuggling Task Force on that day. The day before I was in Sydney in negotiations with the Papua New Guinean government in regard to the Manus Island possibility, so I know that day I was not involved with the task force. On the following day I was in Melbourne.

**Senator FAULKNER**—I hear what you say. I suppose, again, that is a matter about which I would disagree with you, and maybe even others would, about whether or not children had been thrown overboard. Accepting the nature of your response to my question, can I slightly rephrase it.

**CHAIR**—Senator Faulkner, can we make this the last question before lunch? It is past 1.

**Senator FAULKNER**—Okay. Could I ask you if you would not mind telling us, very precisely, when you became aware that there was no evidence that children had been thrown overboard, which I think is the distinction you were drawing earlier in your answer?

**Mr Moore-Wilton**—I think I became aware that this was an issue some time in November, probably around 7 or 8 November when the *Australian* published a number of anecdotal stories, I think emanating from Christmas Island. I have no recollection of being aware that there was no evidence. I was certainly aware that a report had been provided to the task force that children had been thrown overboard. I have no recollection of being told that there was

no evidence of children being thrown overboard, although I note in the reports that some of the Defence personnel have raised that issue and, as I think the task force report indicated, or a chronology, which I have never seen, that this did not necessarily mean that children were not thrown overboard.

**Senator FAULKNER**—You cannot be more precise than that?

**Mr Moore-Wilton**—No, I cannot, because I was doing other things and I had full confidence in Ms Halton's carriage of the task force.

**Senator FAULKNER**—Can you be precise with us and let us know when you became aware that the photos which were released on 10 October were not photos of the alleged children overboard incident?

**Mr Moore-Wilton**—Yes, I can tell you that. I became aware of that when I read Major General Powell's report, some time in December.

**Senator FAULKNER**—Can you let us know precisely when you became aware of the fact that the video—

**Mr Moore-Wilton**—It would have been at the same time. The issue of the photo and the video seemed to be issues being dealt with totally within the Defence chain of command. I am not aware that the details in regard to that were ever made available to the task force; certainly were not made available to me. The first time that I became aware of that detail was on reading Major General Powell's report.

**Senator FAULKNER**—I appreciate you want to break now, Chair. We can come back to this at a later stage.

**CHAIR**—Thank you, Senator Faulkner.

**Senator COOK**—Chair, just before we break, because language seems to be important in this discussion I want to ensure we get it right. I understand the request to PM&C is to provide us with broadly the names of the task forces. Can we have the names of all of the task forces, not just generally? I just want to be precise about that. Secondly, on the People Smuggling Task Force, the participating departments have been listed, but I understand from the answer from Mr Henderson that some other agencies may have been co-opted. If they have, can we have those agencies and when they were co-opted, please?

**Mr Henderson**—That will be included in the other material.

**Senator JACINTA COLLINS**—I would like some clarification on this issue. Mr Henderson, the point that we raised earlier is that we are aware of the coastal surveillance task force report. In June 1999 it recommended an interdepartmental committee be established. We have heard from Mr Moore-Wilton today that one was established in August 2001. There is some suggestion that a number of interdepartmental committees were established during that period of time. We would like to know if that is the case and which they were. Senator Faulkner has already asked for the dates, their terms of reference and their participants. I suppose the final question there is: was there also anything earlier than the coastal surveillance task force?

**Mr Henderson**—We have already set in train the collection of the material you are looking for. You have just taken it back earlier in time by one step, asking whether there were committees looking at this before the coastal surveillance task force. I am confident we can get that information to you promptly. We understand the question.

**Senator FAULKNER**—Part of the issue there is the nomenclature.



**Mr Henderson**—Yes.

**Proceedings suspended from 1.05 p.m. to 2.13 p.m.**

**CHAIR**—I know Mr Moore-Wilton wants to say something in explanation of one of his answers earlier but, before he does that, the President of the Senate has very expeditiously answered a question and provided clarification. Senator Reid writes:

During questioning of the Department of the Senate this day I was asked questions about the conditions of access for still photographers in the Senate chamber. I advised that no more than **three** photographers may be in the galleries at any one time. May I correct the record to read **four** photographers.

Senator Reid also attached to her letter a copy of the guidelines *Still photographers—conditions of access to the Senate*.

**Senator FAULKNER**—May I make a comment on that, Mr Chairman?

**CHAIR**—Yes, Senator Faulkner.

**Senator FAULKNER**—As usual, it is appreciated that the Senate has a very good record of correcting matters like this at the earliest available opportunity. The department at the table also has had a good record over the years in, whenever possible, acting quickly to correct any inaccuracies in evidence given. We ought to note that we appreciate the witnesses doing that and that the Department of the Senate has a particularly good record—as does PM&C, which comes before this committee.

**Mr Moore-Wilton**—Prior to the luncheon adjournment, I may have misled in one of my responses to Senator Faulkner, where a question was asked as to the communications from the task force, how the task force recorded its deliberations and what written communications were provided. As I indicated, the task force from time to time produced reports which were circulated to members of the task force and to secretaries' and ministers' offices. In addition, I am advised that the convener of the task force, Ms Halton, from time to time prepared notes for advice to the Prime Minister separately on issues before the task force. It may well be that other members of the task force also prepared notes to their ministers, but there were other written communications of a random nature as well as actual task force reports.

**Senator FAULKNER**—I want to be clear on that: you are saying these would be communications that would not ordinarily go to the other points of contact, like yourself, the other agency heads and so forth.

**Mr Moore-Wilton**—That is right, although I would almost certainly see a copy of any note to the Prime Minister that Ms Halton prepared.

**Senator FAULKNER**—You may be the exception—

**Mr Moore-Wilton**—Yes.

**Senator FAULKNER**—but you are making the point that there might be special communications—

**Mr Moore-Wilton**—There may be departmental briefings to the Prime Minister, which could fall within the content of that answer. I am also advised that, in regard to Ms Bryant, her rank as a band 1 SES officer is closer to a one star in the Australian Defence Force, which would be more the brigadier than the major general.

**Senator FAULKNER**—We had assumed that meant there was a promotion in the wind.

**Mr Moore-Wilton**—Anything is possible through the merit selection process.

**Senator COOK**—I hope you did not demote her over the lunch break?

**Mr Moore-Wilton**—Certainly not.

**Senator Hill**—You are saying that her rank is equivalent to a more junior officer.

**CHAIR**—The committee was still in general questions before lunch, and Senator Faulkner had the call.

**Senator FAULKNER**—Senator Cook was keen to follow something up, and I will follow him.

**Senator COOK**—Mr Moore-Wilton, the Prime Minister's letter of 13 November is included in PM&C's report as attachment 1. Where was that letter generated? Was it generated in your department for signature by the Prime Minister?

**Mr Moore-Wilton**—My understanding is that that letter was generated by the Prime Minister personally in his office. I was aware that he was going to send me a letter, because he had raised it with me. I will get this checked, but my understanding is that the Prime Minister personally generated the letter.

**Senator COOK**—The first sentence of the letter says:

I refer to the recent public debate about the advice tendered to Ministers ...

I am sure you are familiar with that. In fact, you said in answer to a question earlier this morning that you were asked to set up the inquiry—I think these were your words—‘in the light of the media speculation that had emerged’. That is the same thought I detect in the opening sentence of the Prime Minister's letter. Was there no other advice before you or the Prime Minister on 13 November than media speculation?

**Mr Moore-Wilton**—Advice in regard to what?

**Senator COOK**—Children overboard.

**Mr Moore-Wilton**—I would have to take that on notice, Senator. I had no advice. I certainly gave no advice to the Prime Minister. I had not seen any written communication from the task force that gave any specific advice in regard to the veracity of whether or not children were overboard, other than the reference being made to a chronology presented at some time in October through the department. That never went to the Prime Minister and I never saw it. As I said, I will have to get the departmental records checked. I cannot speak for the Prime Minister, but certainly I provided no such advice to the Prime Minister and he never raised the issue with me. I assume from the letter simply that he was seeking for the issue to be clarified.

**Senator COOK**—So if the Prime Minister had not sent his letter on 13 November, for example, nothing would have happened; there was no information of any type for you that would have caused you to have thought that earlier public statements were made—

**Mr Moore-Wilton**—I think, as the report points out—and subsequently as the attachments point out in great detail—there was a very substantial amount of work going on within the Defence chain of command, through to the office of the Minister for Defence. But that was internal, as you would expect it to be, because there was nobody else other than the Defence chain of command involved in reporting the incident, basically, and then verifying how it happened. We were not aware—certainly, I was not aware and, to my knowledge, the Prime Minister was not aware—of the details of that work that was going on within Defence. As I said, the first time I became aware of it was when I read General Powell's report in detail.

**Senator FAULKNER**—You were saying before the break, Mr Moore-Wilton, that you had never seen the chronology. I took that to mean that you still have not seen it. Is that the case?

**Mr Moore-Wilton**—That is the case. It seems to me to have been overtaken by events. That is why I have not asked for it. As I said, it was also clear to me after reading General Powell's report that very detailed investigations were ongoing within the Department of Defence chain of command.

**Senator FAULKNER**—Yes, but it is fairly significant in terms of the operations of the Department of the Prime Minister and Cabinet, and that is why I was surprised. My recollection from the report—and Ms Bryant can correct me if I am wrong—was that PM&C requested the chronology. I think that is right, isn't it?

**Mr Moore-Wilton**—My understanding of the report—and Ms Bryant might correct me—was that at some stage on 8 October or thereabouts Ms Halton sought clarification as to what was happening, and a chronology was presented which went to the division but which did not go to the task force. As I understand it, that chronology pointed out some queries being raised in this regard, but it also footnoted that that did not necessarily mean the children were not thrown overboard. Subsequently, on that day or the following day, photos were released by the Minister for Defence. The departmental officers concerned considered that that matter therefore had been clarified, because the photos at that stage were assumed to be of events on 7 October. Subsequently, that issue came to be further reviewed in November—as we all know.

**Senator FAULKNER**—Yes, but let me just concentrate on the issue I raised. My understanding was that the chronology was requested by the Department of the Prime Minister and Cabinet. You said 'presented'—and I appreciate that that occurred—but it is the case that it was requested by PM&C, isn't it?

**Ms Bryant**—That is my understanding, Senator.

**Senator FAULKNER**—So it was requested. Mr Moore-Wilton, you said that the chronology went to the division but not to the task force. Can you explain the distinction to the committee?

**Mr Moore-Wilton**—As I said, I still have not seen the chronology and I did not initiate the request for it. It was done internal to the task force. I am not aware as to why such a chronology was sent to the division rather than to the task force. I presume that Strategic Command considered that the division was the appropriate place for it to be distributed, but I do not know why it was not. As I said, I can only rely on what the report says in that regard; that a judgment was made that the photographs clarified the issue. I was not involved in that judgment, it was not brought to my attention and so I cannot speculate.

**Senator FAULKNER**—Yes, but we know from earlier evidence to this Senate estimates committee that PM&C personnel in the division and the task force are, in part, one and the same. You have got individuals common to the division and the task force. That is right, isn't it?

**Mr Moore-Wilton**—That is right.

**Senator FAULKNER**—So I suppose the question to Ms Bryant is: is it a reasonable distinction to draw if something goes to the officers in the division as opposed to officers who are on the task force?

**Ms Bryant**—I believe it is, in the work of social policy division on a range of immigration-related matters. We may well do talking points for the minister in particular

contexts, we might be preparing a briefing for him on subjects et cetera. So we request access to information—this is in general terms—for a variety of purposes, not all of which are task force related. In this context, on the evidence available to me in conducting the inquiry, Ms Edwards reported that they had contacted Defence Strategic Command seeking evidence, in the light of media speculation, to confirm initial advice, and they received it, but there is no record of it having been tabled in the task force meeting in any context that I could find.

**Senator FAULKNER**—I do not want to be anally retentive on this; I will try not to be, anyway. Accepting the distinction you draw, and it is the department that receives the chronology, is it the department or the task force that asks for the chronology?

**Ms Bryant**—In this context I suppose it is not 100 per cent clear—

**Senator FAULKNER**—It isn't to me—that is why I am asking.

**Ms Bryant**—I had the sense it was the department but I cannot be absolutely certain.

**Senator FAULKNER**—I think the distinctions here are—

**Senator Hill**—I am just trying to get it clarified myself. Do you mean it could be requested by an individual that serves both masters, in effect—the department and the task force? Is that what you mean?

**Ms Bryant**—Yes. Other than clarifying the advice at the time, it was not clear in this evidence what Ms Edwards's precise purpose in requesting it was and what use she intended to make of it. Certainly in Ms Halton's evidence she said that she had told the Prime Minister's office that she had asked Defence to do some checking of the initial reports. It would seem in that context, as we observed earlier in the discussion, that Ms Edwards perhaps made the request to Defence as part of that follow-up.

**Senator FAULKNER**—But, you see, the reason for the questioning is that it is a pretty marginal distinction—even you are saying that—in relation to who receives it: whether it is the task force or the department. You are clear that the department receives it but you are not really sure—and I am not critical of this—whether it is the task force or the department that requests it. It is a bit of a lineball thing, isn't it? That is the truth of it.

**Mr Moore-Wilton**—I think one of the problems is that you have got to take into account—well, you don't have to—

**Senator FAULKNER**—I try to take into account all relevant information.

**Mr Moore-Wilton**—I suggest that one has to look at the context in which these inquiries and contacts were being made. The task force was meeting, as I recall, on an almost semi-permanent basis over these few days because of the nature of what was happening. I am not sure on this particular day whether this was asked for. There were a lot of contacts being made within the bureaucracy and within the Defence chain of command on ensuring that the asylum seekers were being handled correctly and then what further action would be taken once they had to be taken aboard by the Defence Force. So it was an ongoing situation of something of a crisis, in a sense.

I think there was some speculation in one of today's newspapers that the task force alerted both me and the Prime Minister's office that there was some question mark over—

**Senator FAULKNER**—I read that.

**Mr Moore-Wilton**—I have said to the media that I have no such recollection. As I pointed out to you, I was in Brisbane on that day. But Ms Halton communicated with me on the

telephone most days about these activities that were happening and on the whole range of issues the task force was dealing with—generally, in a sense, about what the task force was doing. To the extent to which this refers to the fact that there was some question mark over whether or not children were thrown overboard, at that particular time that was not the key issue. The key issue was what we were going to do with the asylum seekers that we were rescuing from a sinking boat at that time. The department then heard that pictures were being released. Maybe it is understandable that the departmental officers moved on. I do not know; I am only speculating.

**Senator FAULKNER**—You use the word ‘recollection’, and you have, on a number of occasions, indicated that you do not have any recollection of certain events. You also do not rule out the fact that kids may have been thrown overboard, yet virtually everybody else across the country has ruled that out. They depend on General Powell. General Powell is absolutely categorical about that issue. You have read his report.

**Mr Moore-Wilton**—I have read his report, but General Powell still has not been able to categorically say that children were not thrown overboard. What he has said is that there is no evidence to that effect. But, as I said, that only came to clear attention after he wrote his report. It certainly was not clear before then, and only General Powell’s report provided that information. The chronology itself makes that particular point—that there is no documentary evidence, but it cannot be ruled out. The advice provided to the Prime Minister and ministers did not say, ‘We have documentary evidence’; it basically said, ‘We have been informed’, and that is categorically true. They were informed, and that was never rescinded.

**Senator FAULKNER**—If you look at page 4 of General Powell’s report, under (i):

By 11 October 2001 Defence had concluded that at no time had a child been thrown from SIEV 4 ...

And on he goes about the communication. That is categorical, Mr Moore-Wilton. General Powell is absolutely clear that on 11 October Defence has concluded ‘that at no time had a child been thrown’ from that boat. Yet you say to us today that you are not sure about that. Nearly everybody else is, including the Prime Minister, General Powell, Uncle Tom Cobleigh and everybody else.

**Mr Moore-Wilton**—Senator, one of the differences between a professional public service, Uncle Tom Cobleigh, the media and everybody else is that generally unless there is evidence we do not draw a conclusion. General Powell’s report states on page 4, subpoint (h): ‘There is no conclusive evidence to support the suggestion that a child, or children, were thrown’ overboard.

**Senator FAULKNER**—It says ‘during the period 6-8 October’.

**Mr Moore-Wilton**—It was not a suggestion.

**Senator FAULKNER**—Then it goes on to say, ‘By 11 October 2001 Defence had concluded that at no time had a child been thrown’ overboard.

**Mr Moore-Wilton**—The only difference with that was that Defence did not tell anybody that they had concluded that.

**Senator FAULKNER**—But they told your department, Mr Moore-Wilton.

**Mr Moore-Wilton**—They did not on 11 October.

**Senator FAULKNER**—Yes, they did.

**Mr Moore-Wilton**—What you are referring to is a supposed reference on 8 October.

**Senator FAULKNER**—That is right. They told your department in, as you know, a footnote. What I was trying to establish from Ms Bryant and yourself before is: who had requested it—whether the department had requested it or the task force; and who it was provided to—the task force or the department. That is, frankly, as clear as mud. I am not critical of you or Ms Bryant for the answers you have given in that regard because it is not particularly clear on all the documentation I have seen. It looks like it was provided to departmental officers, at least, who may also have been members of the task force. I think that is the reason for the lack of clarity about that. But your department is identified in your department's own report as seeking the advice. It has provided two departmental officers and there is a failure—a massive failure. Surely, Mr Moore-Wilton, you are the senior—

**Senator Hill**—It was clarified by the photos. That was the trouble.

**Senator FAULKNER**—No, hang on. Mr Moore-Wilton is the senior official of the Department of the Prime Minister and Cabinet. This is a massive failure on the part of the department for this particular explanation at a minimum to have been passed to others in the department. There seems to me to be no excuse for that. But what you say to me is, whether there it is an excuse or not: you have not even gone back to look at the chronology. You have not even gone back and looked at the chronology yourself—and it is now literally months after the event—to try and make sure that you never face this situation again in the Department of the Prime Minister and Cabinet. I find that incredible.

**Senator Hill**—You are not taking into account the really extraordinary event of the photos which seemed to corroborate the fact that children had been thrown overboard.

**Senator FAULKNER**—That does not alter the chronology with the footnote, Senator Hill. You can have as many photos as you like—and we will get to that, because there is clearly Ms Bryant's report. Ms Bryant's report does not go to that issue, and you yourself have put out some correcting information today about that that is not canvassed in Ms Bryant's report. My issue goes to Mr Moore-Wilton's own actions in relation to that element of the chronology.

**Mr Moore-Wilton**—Obviously, Senator, I have not been clear enough to you, because you have completely misunderstood what I have said. So may I just say it again in clear and precise terms. On or about 8 October, as I understand it, somebody in my department asked for a chronology of events to be provided by the Department of Defence. I was not aware that that was asked for and it was not brought to my attention at that time. Secondly, when that chronology was provided it came into the department. It had a footnote on it. It had a statement on it that there was no documentary evidence—or words to that effect—that children had been thrown overboard. But it then specifically put in a footnote: however, it can't be ruled out. At that time, photographs were released by the Minister for Defence, from the Defence department—and, as you said, you will come to that—and the officers concerned indicated that they formed a judgment that those photographs therefore made it clear to them at that time that the issue had been clarified by the photographs. Nobody brought the photographs to my attention at that time. General Powell says that on 11 October, well after the chronology was prepared, Defence concluded that no evidence existed. Defence did not inform the task force. There is no evidence that the task force were told that conclusively by Defence.

**Senator FAULKNER**—You just added the word 'conclusively'.

**Mr Moore-Wilton**—The first time that it came to my knowledge that that judgment was formed conclusively was when I read General Powell's report in December. I can't be any

clearer than that. To talk about a massive failure of management is an absolute exercise in hyperbole.

**Senator FAULKNER**—But aren't you surprised that your task force or department—you clarify it here as 'department' but that is not clear from Ms Bryant—seeks clarification from Defence on a very sensitive issue then this matter is not followed up, no further inquiries are made, and right through this period, as you would know, doubts are being publicly canvassed?

**Senator Hill**—They weren't there to be canvassed for several weeks.

**Senator FAULKNER**—My question goes to whether you have concerns about the operation of your own department in relation to that specific issue: the communication via chronology from Defence of this indication—quite clear—in relation to children overboard and the fact that nothing happens. Do you have a concern about that?

**Mr Moore-Wilton**—I am saying, Senator, that in the light of the explanations provided by the relevant officials concerned I can understand why they evidently took a view that the release of photographs in and around the same time they received this chronology appeared to resolve the issue which Defence itself had qualified. Subsequently and with hindsight, we can see that the photographs did not relate to events on 7 October but related to events on 8 October—and you will come to that.

**Senator FAULKNER**—Yes.

**Mr Moore-Wilton**—But, as General Powell points out, Defence themselves did not come to this judgment until 11 October and they did not happen, either, to inform the task force about that. They were dealing with it through the Defence chain of command, quite properly, which then required—as you will see from the exhaustive information provided—evidence being taken from the commander of the vessel, from Northern Command: proper due process being followed. But that due process took place within the Defence chain of command only.

**Senator FAULKNER**—But, Mr Moore-Wilton, you are not even willing to say today that you do not accept that children were not thrown overboard. You still do not accept that.

**Mr Moore-Wilton**—I have no basis for accepting it.

**Senator Hill**—The point is that nobody knows it for certain.

**Senator FAULKNER**—What do you mean: you have got no basis for accepting it?

**Mr Moore-Wilton**—Well, if you read the individual evidence—

**Senator FAULKNER**—But Mr Powell's report is categorical in this issue.

**Senator Hill**—Mr Chairman, I think we are becoming somewhat repetitive.

**Senator FAULKNER**—No, we are not.

**Senator Hill**—It is an old technique of Senator Faulkner. You say it over and over again in the hope that ultimately the official will agree with what you are saying. But, you know, this is a question and answer.

**Senator FAULKNER**—I know you don't want the question asked, Senator—

**Senator Hill**—If Senator Faulkner wants to ask a question he should ask the question himself and he should take an answer.

**Senator FAULKNER**—but I am sure Mr Moore-Wilton can look after himself perfectly well, as can all the other officers at the table.

**CHAIR**—Minister, I take note of that. Mr Moore-Wilton, you were interrupted. Did you have anything else to add?

**Mr Moore-Wilton**—I was only going to say that, on the basis of the reports that I have read, including the statements, it is clear that the original advice could not be substantiated. However, it is also clear that what took place on SIEV4 on 7 October was in a period of great mayhem and confusion, that the evidence advised by the ship's crew was not conclusive—there were varying views—and that only one side of the vessel was apparently covered by any clear evidence. There was some evidence given that in fact children could have been thrown overboard on the other side of the vessel. To my knowledge that has never, ever been conclusively refuted by Defence and no advice has been given to either the task force or relevant ministers that Defence have now changed their advice from the original advice given on 7 October. General Powell may have formed a view. I am not aware that Defence have ever told either the Department of the Prime Minister and Cabinet or ministers that they now say that the advice given on 7 October and taken in good faith was wrong.

**Senator FAULKNER**—Do you know how you can have evidence that something did not happen? How do you have evidence that something did not happen?

**Mr Moore-Wilton**—I am going on what the members of the crew said.

**Senator Hill**—One of the able seamen is recorded in the report. The commander of the task force at Darwin records that there were children overboard.

**Senator FAULKNER**—But you depend on the report, Senator Hill, and General Powell is categorical in the report.

**Senator Hill**—You just selectively refer to the parts that suit your purpose.

**Senator FAULKNER**—No.

**Senator COOK**—His conclusion in the report—

**Senator FAULKNER**—It is absolutely categorical, and you know it. You know it, and so does everyone else.

**Senator COOK**—The credibility factor you have got here is that the system over which you preside—

**Senator Hill**—We are not having a debate. We are asking questions of a senior—

**Senator COOK**—Excuse me, I am coming to a question.

**Senator Hill**—Mr Chairman, this is not the time for a debate.

**Senator COOK**—The system over which you preside works perfectly—

**Senator Hill**—What is the question?

**Senator COOK**—in transmitting particular information—in this case the story that kids were thrown overboard—but does not work at all in reporting what the truthful circumstances were, and no-one at your level takes any steps to find out when there are significant question marks raised.

**Mr Moore-Wilton**—Is this to me, Senator Cook?

**Senator COOK**—Yes. It is all politically convenient. I mean, that is the credibility test. How do you answer that?

**Mr Moore-Wilton**—I take offence at you saying it is politically convenient because that is not right.



**Senator COOK**—It is politically convenient. There is absolutely no doubt it was politically convenient.

**Mr Moore-Wilton**—All I am saying to you, Senator Cook, is that there is a chronology that goes well beyond the chronology that Senator Faulkner related to. I find it offensive for Senator Cook to say it is politically convenient.

**Senator COOK**—It is. There is no argument about political convenience, Mr Moore-Wilton. No honest individual, no reasonable person would argue that there is no political convenience in these events.

**CHAIR**—Senator Cook, that is out of order.

**Senator COOK**—No, it is not. It is entirely true, Mr Chairman.

**CHAIR**—Senator, there will be other chances later on to ventilate this issue, I am sure.

**Senator Hill**—You will be able to write a report.

**Senator COOK**—If I can get the facts, I will.

**Senator Hill**—That would be a worry.

**Senator FAULKNER**—Let me go back to PM&C administration, which is where this all started. Mr Moore-Wilton, as head of department are you concerned about internal departmental processes which mean that something that is generated as a result of a request from PM&C and provided to PM&C—for PM&C in both instances read ‘possibly the task force’ because we are not clear on that, and I think we understand why we are not clear on that—does not get communicated beyond what appears to be a small number of officers in PM&C, and that you as department head do not know about these concerns until you read of them in the *Australian* newspaper on 7 or 8 November, as you said earlier? I am talking about departmental process here, Mr Moore-Wilton. I am trying to move away, if you like, from the more emotive issue of ‘kids overboard’. I am talking about the processes of the department.

**Mr Moore-Wilton**—Senator Faulkner, the way in which the department operates is that, if officers have a concern about any part of their work that they feel I should know about, I am available and they tell me—particularly my senior officers. In my view, Ms Halton carried out her functions in what I consider to be an extremely professional manner.

**Senator FAULKNER**—But she did not tell you.

**Mr Moore-Wilton**—The point I am making is that she had the day-to-day executive responsibility. She communicated with people from the CDF, through to myself, through to the Prime Minister’s office, on a regular basis. That was necessary to carry out the task. If there were an issue she felt the Prime Minister or I needed to be aware of, I am satisfied that she would raise it with us. On these occasions and in cases like this, there are many cases where on a day-to-day basis issues emerge that are then dealt with, and the process continues. I accept the views officers expressed that they formed a judgment that the issue had been clarified to their satisfaction. It was only subsequently that officers learned that, due to an unfortunate confluence of events, the Department of Defence, through its normal and appropriate processes, then was carrying out a detailed investigation of the matter. At that stage it became a matter to be carried through the normal chain of command, and I understand it was and is—which General Powell’s report took over. But I go back again to saying that the judgment that was formed evidently by officers of my department was that the issue, when they sought clarification, had been resolved by the release of the photographs. We now know that it was not.

**Senator FAULKNER**—In relation to the claims that appeared in today's *Financial Review*, which you mentioned a little earlier, Ms Bryant—this goes to Mr Jordana—it was not clear to me in reading your report—but I might have missed something—whether you had spoken to Mr Jordana or not. I assume not, but I just want to be clear on that.

**Ms Bryant**—I did not speak to Mr Jordana in undertaking the inquiry.

**Senator FAULKNER**—You didn't?

**Ms Bryant**—No.

**Senator FAULKNER**—In the circumstances in relation to this revelation, is it appropriate to talk to him now?

**Senator Hill**—In what role?

**Senator FAULKNER**—Have you seen the article in the *Financial Review* indicating that: *The Australian Financial Review* has also been informed by a highly placed source on the Government's task force on people smuggling that the head of the PM's department, Mr Moore-Wilton, was alerted on October 9 and possibly November 7 that there were doubts about the stories. But the head of the international division of the PM's office—  
was also informed. This goes to Mr Moore-Wilton.

**Senator Hill**—Mr Moore-Wilton has answered for himself.

**Senator FAULKNER**—I know that. My question went to Ms Bryant about Mr Jordana. He was not interviewed in Ms Bryant's report.

**Senator Hill**—Are you suggesting that Ms Bryant should reopen her inquiry?

**Senator FAULKNER**—No, I am asking whether—

**Senator Hill**—Apart from anything else, it is now overtaken by a Senate inquiry.

**Senator COOK**—That does not remove the obligation from the government to do the right thing.

**Senator FAULKNER**—Do you think it is appropriate that Mr Jordana should come before a Senate inquiry? You would have concerns about that, would you not?

**Senator Hill**—It would be highly unusual for staff of any minister to be called before a Senate inquiry.

**Senator FAULKNER**—It would; you are right. That is not the normal way these inquiries work. I accept that. I try to be consistent about these sorts of things. Hence I am asking Ms Bryant about this new information.

**Senator Hill**—I do not want to be unreasonable—

**Senator COOK**—Then let her answer the question.

**Senator Hill**—I do not think it is a fair question to ask Ms Bryant. I do not know that you can ask her, with the benefit of hindsight, whether she would have conducted her inquiry differently or even what you are saying—one step further now, with the benefit of hindsight—whether she should reopen her inquiry to go down that road.

**Senator FAULKNER**—But Ms Bryant did talk to ministerial staff, did you not, Ms Bryant?

**Ms Bryant**—That is correct, Senator.

**Senator Hill**—And that is referred to in the report.

**Senator FAULKNER**—Of course it is, but she did not talk to this staff member.

**Senator Hill**—She can give evidence only on the basis of her report and the inquiries she conducted.

**Senator FAULKNER**—So I am asking: is it a weakness in the report?

**Ms Bryant**—I began with the written statements that had been provided to General Powell's inquiry because they were made available to me and I tried to follow through the connections. Where it appeared as though a person reported certain information up the line, et cetera, I would check to confirm that it got to that point. The evidence in respect of Mr Jordana, on page 31, seemed to me, at the time I was doing the inquiry, a minor point that she had informed the PM's office that they were checking in the light of media speculation. It did not go to the question of what the Prime Minister's office or the Prime Minister had been informed of in relation to children thrown overboard. It was in a procedural sense that the checking was being done and therefore I did not at the time see it as relevant to interview Mr Jordana.

**Senator FAULKNER**—I appreciate that. I did notice the reference to Mr Jordana on page 31. Now it appears, if this story is correct, that there is more information, but it is not canvassed in the report.

**Senator Hill**—You cannot ask Ms Bryant to comment on some story in the *Financial Review*. If you want to conduct your inquiries, you conduct your inquiries, but you do not ask this officer that question.

**Senator FAULKNER**—If I cannot ask Ms Bryant about a story in the *Financial Review*, which I think is a perfectly reasonable thing to ask, perhaps we are better off—

**Senator Hill**—I said to you that if you want to ask a question concerning the Prime Minister's office, you should ask me and I will refer it to the Prime Minister and see how he wishes to respond.

**Senator FAULKNER**—What about your public statement of 17 February concerning further advice on disputed photographs? That was about only two photographs being forwarded to the office of the Minister for Defence. Now we know it is more than two.

**Senator Hill**—We do.

**Senator FAULKNER**—Ms Bryant, your inquiries did not uncover that, did they?

**Ms Bryant**—Yes, they did, Senator. I had at the time a document in the evidence provided by Commander Banks from the *Adelaide* which included a list of messages sent and received by the *Adelaide*. That included signals that contained imagery and that did include reference to several sets of photos.

**Senator FAULKNER**—Are they defined as emails in one of the reports?

**Ms Bryant**—I would have to check that. They may have been. In my report I did, in various places, make reference to the existence of several sets of photographs. For example, there was a discussion between Brigadier Bornholt and Mr Hampton in Mr Reith's office, where Mr Hampton's evidence was that he proceeded clear that they were talking about different sets of photos. In various contexts I did make reference to the existence of other sets of photographs, and I was aware of them. In terms of those two photos, they were sent alone in a signal from the *Adelaide*, and I understood from the evidence provided by Commander

Banks that the context was his pride in the heroic performance of his crew, and that was what he was seeking to promote in that context. That is why they were sent separately.

**Senator FAULKNER**—Certainly, General Powell's report is quite clear about at least three separate emails containing photographs. That is my recollection of it.

**Ms Bryant**—Yes.

**Senator FAULKNER**—One of two, one of five and one of six, is my recollection in relation to that. So this is separate from those photographs?

**Ms Bryant**—I would have to check the chronology, which I do have somewhere in my collection of papers. Here is my list: an email containing seven photos of suspected leaders among the unauthorised arrivals; four photographs taken at first light of 'man overboard' recovery; another two photos, which I believe were of the crew members in the water; five photos of the sinking and rescue; and another six photos of the unauthorised arrivals once they had been taken on board the *Adelaide* forecastle deck. There were several messages from the ship, each containing imagery, and my understanding at the time from the evidence to me was that the particular two came alone because of the commander's desire to promote the heroism of his crew. The others reported various operational stages in the process.

**Senator FAULKNER**—Thank you. That is partly clear from the information one can glean from closely reading the chronologies. Someone was going to indicate to us the reason for the meeting of the task force—the one on Sunday, 7 October. I asked, some time ago, about why that meeting had been held at that time. It got a bit lost because Mr Henderson had indicated that he was going to provide some more information about details of the task force and its meeting schedules et cetera. Do you have that available, Mr Henderson?

**Mr Henderson**—We have the information that was requested before. I would like Ms Bryant to check it before it is tabled. In relation to the meeting details which we had prepared before the hearings commenced, I am more confident we can give you the precise information now. The question was this: how many meetings were there on the 7th?

**Senator FAULKNER**—No. What was the reason for calling the meeting of the task force on the 7th? I am asking about the first meeting—the morning meeting from 9 a.m. to 11 a.m.

**Mr Moore-Wilton**—The modus operandi of the task force is that, generally speaking, Defence Strategic Command would contact the chairperson of the task force and indicate that an issue had arisen and that a meeting of the task force would be convened. In this particular case, the reason for the meeting on the Sunday was that the vessel had been apprehended. But there had been meetings prior to the Sunday in regard to the patrolling to establish this vessel and then, subsequently, the vessel was apprehended by the *Adelaide*. The reason on the seventh was to take stock of the issues arising from what happened on that day and to prepare a task force report for the following morning.

The task force, as I recall, was meeting almost continuously over this period and it was quite normal for it to meet as required at that time. Ms Halton would generally let me know if there was a meeting of the task force. That is why I say I have no recollection on the 9th of a particular point. She would generally keep me informed, as I would expect, of the task force and its activities, as she did in fact on that Sunday.

**Senator FAULKNER**—My comments to Ms Bryant about the chronology and the mention of photographs in the chronology—I do not know if I made this clear—went to Major General Powell's report. I think it is quite clear from Major General Powell's report that there are a number of mentions. I think you agreed with that.

**Ms Bryant**—Photographs and sets of photographs?

**Senator FAULKNER**—Yes, in relation to the photographs. Do you have some page reference numbers you can indicate to me for that information about Commander Banks that you mentioned in relation to your report? While you are looking at that, Mr Henderson, are you going to table that material in relation to the task forces?

**Mr Henderson**—This afternoon—I would just like Ms Bryant to have the opportunity to read through it before we table at.

**Senator FAULKNER**—This is the history of the task forces and so forth?

**Mr Henderson**—Yes.

**Ms Bryant**—Senator, on page 15 of my report, at the top that page, Commander Banks is saying:

“Photos were sent to ... addressees as Public Affairs...”

This is the reference to his pride in the crew. His statement indicates he spoke to Channel 10 about his pride in the crew. He made reference in that context to the existence of photographs. The discussion goes on to show how awareness of the existence of the photographs flowed through to Mr Hampton et cetera. In terms of indications that there was more than one set of photographs, I think I alluded before to a discussion between Mr Hampton and Brigadier Bornholt, for example, at the bottom of page 18.

**Senator FAULKNER**—Before you move to that, the one of top of page 15 really relates to the two photographs, doesn't it?

**Ms Bryant**—That is right. His evidence to me was that his chronology of evidentiary records held by, and digital imagery passed by, *Adelaide* indicated they were despatched alone.

**Senator FAULKNER**—Okay. That relates to the two. The other one you were going to mention was?

**Ms Bryant**—I was aware that several sets had been sent from this listing of various signals sent containing imagery. It seemed to have a bearing—

**Senator COOK**—This is page 18 you are referring to?

**Ms Bryant**—Yes, at the bottom of page 18.

**Senator Hill**—Can I just interrupt you? I thought we did the photography this morning.

**CHAIR**—We did.

**Senator Hill**—Some witnesses have said to me they find it quite intimidating. Why are we doing it again this afternoon?

**Senator FAULKNER**—Find what intimidating?

**Senator Hill**—Having cameras pushed down their throats.

**Senator FAULKNER**—I am sorry, I thought you are talking about these photographs. I thought you were dealing with the evidence.

**Senator Hill**—Did these cameramen, from Channel 10, take film this morning?

**CHAIR**—No.

**Senator Hill**—Channel 10 missed out, did it?

**CHAIR**—Yes. They will be five minutes, Minister.

**Senator COOK**—I am not intimidated.

**Senator FAULKNER**—Senator Hill was trying to contain it this morning, which I thought was reasonable. I hope *Hansard* can deal with the issue of my objecting when Senator Hill started to talk about photography and I thought he was objecting to my question.

**Senator FORSHAW**—I think he was, actually!

**Senator Hill**—I am wondering when we might get to the additional estimates.

**Senator COOK**—I am sure you are.

**Senator Hill**—That is what I thought we were here for today.

**Senator FAULKNER**—That was a poor attempt at humour, Senator Hill, a very poor attempt at humour.

**Senator Hill**—Nobody laughed.

**Senator FAULKNER**—You can do better than that.

**Senator Hill**—I will try.

**Ms Bryant**—Senator, I think I was saying that the last paragraph, for example, on the bottom of page 18—

**Senator Hill**—It is sort of like a preliminary hearing—

**Ms Bryant**—indicates that Brigadier Bornholt and Mr Hampton, for example, were looking at different sets of photographs. So there were places it was relevant.

**Senator Hill**—I notice they didn't get anymore money; therefore, why are we here at all.

**Senator COOK**—Mr Chairman, can you bring the minister to order because we cannot hear what is being said.

**CHAIR**—Yes.

**Senator FORSHAW**—Some of the witnesses are complaining.

**Senator FAULKNER**—The brigadier is there looking at a set of four photographs?

**Ms Bryant**—The brigadier at that time was looking at a set of four and Mr Hampton was looking at a set of two. Mr Hampton indicated that he proceeded confident they were looking at different sets of photos et cetera. You asked me, Senator, was I aware that there were separate sets of photos in existence. I am saying to you yes, I was, and there are references to the existence of separate sets in the report.

**Senator FAULKNER**—Yes, do I understand now. But let me ask a slightly different question. Were you aware that the additional photographs beyond the two had been passed to the minister's office, as outlined by the processes outlined in yet another one of Senator Hill's clarifying statements?

**Senator Hill**—That is right.

**Senator FAULKNER**—You are making a very bad habit of these clarifying statements.

**Senator Hill**—I know; I am not very comfortable. But, as of yesterday morning, I was assured that there were only two photographs forwarded to the minister's office.

**Senator FAULKNER**—Yes, and I am now asking Ms Bryant—

**Senator Hill**—Later in the day it became a few more photographs, for a different line of communication.

**Senator FAULKNER**—Yes, so I am now asking Ms Bryant—I appreciate she knew there were more than two photographs—did she know that more than two photographs had been passed to the minister’s office?

**Ms Bryant**—No, I don’t believe I did, Senator. In looking through this material, it does have the recipients listed. In each case it says email of a particular time and date and it lists the addressees. I cannot see in any of that that the addressees included the minister’s office. So in that material available to me no I do not believe I was aware.

**Senator FAULKNER**—Okay. Thank you for that. Do you see that as a weakness in your report? Senator Hill laughs—but you didn’t want us to talk about the *Financial Review* issue; I am now talking about another one. You can’t have it both ways, Senator Hill. This one is under your own hand.

**Senator HILL**—What do you mean ‘under my own hand’?

**Senator FAULKNER**—This is yet another one of your clarifying statements. You are making a habit of putting these out. We are receiving them—two a day basically.

**Senator Hill**—The answer seems to be pretty reasonable because as of yesterday morning Defence was assuring us that there were in fact only two photographs. But I am wondering whether it is fair to ask the witness whether she sees it as a weakness in her report. The purpose of the report was to provide information; I suppose there is always further information that can be provided.

**Senator FAULKNER**—Yes, that’s right.

**Senator Hill**—As of yesterday afternoon, it seems that might be some further evidence.

**Senator FAULKNER**—That is my point about Mr Jordana—further and better information.

**Senator Hill**—But that is on the record now. What I do not think is quite fair is then asking her how it effects her report. That is for others to make that judgment.

**Senator FAULKNER**—Well I won’t ask it then. I wouldn’t want to be seen to be unfair at all.

**Senator COOK**—You could agree though, Senator Hill, that new information sometimes alters conclusions. You would agree with that as a concept, couldn’t you?

**Senator Hill**—Hypothetically, yes.

**Senator FAULKNER**—Moving right along from the photographs that we didn’t know—from reading the report—were going to the office of the Minister for Defence or of the contact with Mr Jordana, I suppose we have the advantage of having Mr Moore-Wilton with us, who has referred a little earlier to the *Financial Review* article. Could you discuss indicate to us, Mr Moore-Wilton, whether you were informed by a highly-placed source of the government’s task force on people smuggling. Were you alerted on October 9 and possibly on November 7 that there were doubts about the stories?

**Mr Moore-Wilton**—Senator, it is very difficult without knowing whether a highly-placed source existed—I know that people always think that their sources are highly placed and so it is very hard for me to answer that question since I do not know.

**Senator FAULKNER**—I know that you are highly placed; so I feel comfortable asking you.

**Mr Moore-Wilton**—Yes, well that at least I think is established in the hierarchy. But, since I do not know who this highly-placed source is—a lot of people claim that they are highly placed and they are generally not—I would not want to speculate.

**Senator MURRAY**—We can assume it is above a brigadier general.

**Mr Moore-Wilton**—There were very few sources above a brigadier or major general that I spoke to. The only person that I would speak to regularly with regard to task force matters was Ms Halton, as you would expect. Ms Halton has tabled her statements in the report. I have said that I have no recollection. On 9 October, as I pointed out, I was in Brisbane. I was not involved with the task force; I was not in the office. Ms Halton would normally ring in to me if there was some issue, but, as I say, I took it on the basis, and I still take it on the basis, that if Ms Halton did mention this matter to me, she presumably mentioned it in the context of saying that photos had been released and there was no issue. Ms Halton was not in the process of giving me a blow by blow description of things that were not true; it was on the basis of what the task force was doing, not what it was not doing.

As I say, until I read General Powell's report, I was not aware that the Department of Defence had any conclusive evidence at all. So, with regard to 9 October, I make the point that I have no such recollection. It is entirely possible that Ms Halton, in passing, mentioned to me that she was having matters looked into and that photos had subsequently been released. I would not see that as at all surprising; we are constantly looking into things. I certainly did not take that matter any further with the Prime Minister's office or with the Prime Minister. There was no basis for so doing, and I have not done so since. I think the press reporting on this has been, if I may say so, highly overblown with regard to what the department knew. The report is quite clear on what the department knew. People can read English. I think the press reporting has been quite disgraceful in this regard.

**Senator FAULKNER**—You are, of course, entitled to your view in relation to that.

**Mr Moore-Wilton**—I am indeed.

**Senator FAULKNER**—As we all are.

**Senator FORSHAW**—It was pretty disgraceful before the election as well.

**Senator FAULKNER**—But what I am trying to establish is what happened within the department when these doubts were raised, and that is a serious issue, I think, in the operations of the Australian Public Service. I think most people would accept that. So far, I have learnt that nothing has happened, before or since, apart from the inquiry that was generated by Mr Howard. You yourself, for example, have not even looked at the chronology and the footnotes and so forth. Do you think, given the serious failure on the part of the department in this issue, that further action needs to be taken? Are you just going to let this lie where it is at the moment?

**Senator Hill**—Haven't you asked this question a number of times?

**Senator FAULKNER**—No, I have not asked it before.

**Mr Moore-Wilton**—Senator Faulkner, let me be quite clear for the record. I do not regard that the department has failed its responsibility to either the Public Service, the Prime Minister, the government or the public in this regard. I regard the emphasis being given to the department raising a query and then that query properly being followed through the chain of command subsequently in Defence as entirely in accordance with the traditions of the Public Service. The Department of Prime Minister and Cabinet does not go into the uniformed part



of the Department of Defence and conduct inquiries. That is not the way that we operate; it is not the way that the Public Service has ever operated. The facts are quite clear from the reports: the department raised a query, it received an inconclusive answer and, subsequently, photographs, which supposedly alluded to the events, were put out into the public media. The department's officers exercised a judgment that the matter was closed. Nothing was brought to their attention for them to reopen it. The Department of Defence's conclusion that there was no evidence was not communicated to the task force and was not communicated to me.

**Senator FAULKNER**—Are you able to share with us when you first saw the two photographs in question?

**Mr Moore-Wilton**—I think it was when I saw General Powell's report. If it was not when I saw General Powell's report, it was when I subsequently saw Ms Bryant's report.

**Ms Bryant**—You may have seen them in the media.

**Senator FAULKNER**—You would have seen them in the media, surely.

**Mr Moore-Wilton**—To the extent that I take anything in the media as factual, I may have seen them there but probably I did not. I am not sure.

**Senator FAULKNER**—You would have seen them in the media. To use your terminology, if they were not factual, it was hardly the media's fault, was it?

**Mr Moore-Wilton**—All I am saying is that I did not take any great notice of that issue in the media. I did not consider it material to the issues we were dealing with. The issue that we were dealing with was how we would deal with asylum seekers, not with how we would deal with rumours that were merging, evidently on Christmas Island, from unnamed members of the Defence Force.

**Senator Hill**—But that was later.

**Senator FAULKNER**—Why on earth PM&C would jump to the extraordinary conclusion that these photographs supported claims that children had been thrown overboard is remarkable in itself.

**Senator Hill**—That was the public statement.

**Senator FAULKNER**—They hardly show that at all, do they?

**Senator Hill**—With the benefit of hindsight, we know they do not. It is easy to be so smart with the benefit of hindsight.

**Senator FAULKNER**—Senator Hill, you are continually trying to blame Defence for this, particularly the ADF.

**Senator Hill**—I am not blaming Defence.

**Senator FAULKNER**—Yes you are.

**Senator Hill**—You are saying that because you think it is useful for you to say that. If you were honest, you would see that I have never sought to blame Defence. I was asked this morning: 'Why are you blaming Defence?'. I said, 'I am not blaming Defence. I want to learn from this experience and move on.' Obviously there are communication lessons that can be learnt from this experience.

**Senator FAULKNER**—The truth is that whatever sloppiness occurred in Defence—and I think any reasonable person in Defence would say that there was sloppiness—was quickly

corrected, the Department of the Prime Minister and Cabinet was informed and they did absolutely sweet Fanny Adams about it. That is the truth.

**Senator Hill**—You are making an assertion to suit your purposes. That is not the tenor of the response that has been given by the officials. This is a session of question and answer.

**Senator FAULKNER**—Yes, it is a session of questions and answers, as you appreciate, but there is no answer to my question on when this information was provided to PM&C.

**Senator Hill**—You have had the answer a number of times today that officials believed the matter was clarified by the photographs.

**Senator FAULKNER**—Why? The photographs just showed people in the water.

**Mr Moore-Wilton**—Supposedly on 7 October. It is absolutely clear that, until the photographs came in question, and particularly on 8 October, it was considered that those photographs related to the incident when the vessel was apprehended on 7 October. It was only subsequently that it became clear that they related to 8 October, and that investigation was undertaken within the Department of Defence. I make no criticism of or claim on the Department of Defence; that is their business. In regard to the Department of the Prime Minister and Cabinet, it is crystal clear—crystal clear—that officials were shown photographs on 10 October which they believed to relate to activities on 7 October. For that reason, they took the matter no further. I have no criticism for that. They went on and carried out their important national task of trying to deal with asylum seekers. That is what they did, in the highest traditions of the Australian Public Service.

**Senator FAULKNER**—Do you agree that, for the entire election campaign, Mr Moore-Wilton, the public was misled about children being thrown overboard?

**Senator BRANDIS**—On a point of order, Mr Chairman: that question is completely out of order. It is a political question.

**CHAIR**—That question is out of order, Senator Faulkner.

**Senator COOK**—It is completely in order. What do you mean when you say that it is completely out of order?

**Senator Hill**—That is the statement that you want to make for your run.

**Senator BRANDIS**—Mr Chairman, Senator Faulkner is asking the witness to comment on Senator Faulkner's observations on political events. The question does not relate in any way, shape or form either to the department or to Mr Max Moore-Wilton's conduct.

**Senator COOK**—It does.

**Senator FAULKNER**—Mr Chairman, the truth here is that ministers made initial claims and no action was taken within the Department of the Prime Minister and Cabinet to correct those claims. That is just a statement of fact. Part of what this Senate committee has some responsibility to inquire into—

**Senator Hill**—This is a preliminary hearing.

**Senator FAULKNER**—I would be the first to accept we cannot do it in any great depth today, but we have an entitlement to find out why. Why wasn't that corrected? My question really is this: according to the tabled reports—we have all had the advantage of seeing them—

**Senator Hill**—My question is: according to the tabled reports—

**Senator FORSHAW**—Mr Chairman, the minister at the table and Mr Moore-Wilton have been, on a number of occasions, making three-, four- and five-minute speeches of a highly political nature. It would help if, first of all, Senator Hill stopped interrupting, and, second, they actually answered questions.

**CHAIR**—It is unfortunate, there has been a bit of speech making here, I think—

**Senator BRANDIS**—It might help, Mr Chairman, if they were asked questions in the first place.

**Senator FORSHAW**—Why don't you make a speech about the highest traditions of the Public Service? I would like to hear the answers.

**Senator FAULKNER**—Isn't it true that, according to the tabled reports that we have had the benefit of reading, the bureaucracy—including PM&C, if not mainly PM&C—failed to bring the correct facts to the attention of the Prime Minister and ministers? Isn't that true?

**Mr Moore-Wilton**—In what regard? Would you like to specify?

**Senator Hill**—In regard to the photos, if they had known—

**Mr Moore-Wilton**—It is very difficult to answer questions of that generality. In which particular instance did 'the bureaucracy' fail to bring to the Prime Minister's attention?

**Senator Hill**—What fact did they fail to bring?

**Senator FAULKNER**—Isn't it true, Mr Moore-Wilton, there were at least 31 officials named in General Powell's and Ms Bryant's reports? There were 31 named officials who were aware of the truth of the 'children overboard' question and the question of the photos not relating to that incident, and none of them brought to the attention of the Prime Minister or ministers these matters. That is the fact of life.

**Mr Moore-Wilton**—I am not sure about the 31 officials. I would have to go back and look at it. You related it directly to the photographs.

**Senator FAULKNER**—No—

**Mr Moore-Wilton**—You related that question directly to the photographs. I do not know whether 31 officials were aware that the photographs were incorrectly captioned. I certainly was not.

**Senator FAULKNER**—I did not relate it to the photographs.

**Senator Hill**—That is where the mistake of fact was: the photographs.

**Senator FAULKNER**—I made it very clear that there are two categories here of people who knew that the 'children overboard' claims were not correct and that the two photographs that were made public did not relate to children thrown overboard.

**Mr Moore-Wilton**—They are two quite separate issues.

**Senator FAULKNER**—You cannot make a division because of the nature of the reports. That is why I am including 31 as a total number.

**Mr Moore-Wilton**—I suggest to you, Senator, you can make a division. There may be some officials who were aware that claims of children being thrown overboard were not substantiated subsequently. There may be some officials—there almost certainly were some officials—who became aware that the photographs did not relate to 7 October. I do not necessarily know whether it was all of the officials mentioned, and there may be some officials who knew subsequently in the case of both events. But to lump them all together and

to say that those two things follow is, I think, a complete failure of logic. You may be right, but I do not think it can logically be deduced.

**Senator FAULKNER**—You are accusing me of a complete failure in logic when you have oversighted a complete failure in the process—

**Mr Moore-Wilton**—Let me be clear again. If I am named in a situation, I have never been told that children were not thrown overboard until I read General Powell's report.

**Senator FAULKNER**—Don't you think you should have been?

**Mr Moore-Wilton**—I was not told about it.

**Senator FAULKNER**—But don't you think you should have been?

**Senator Hill**—This is getting ridiculous. We now know more as a result of inquiries being undertaken and reports being brought down. Now we are trying to take the knowledge gained through current reports and attribute that knowledge back to the real time events, and I think that is most unfair. You have got to look at the knowledge as it existed at the time.

**Senator FAULKNER**—No, I am saying, Senator Hill, that someone should step up and take responsibility for these failures. Someone has to accept responsibility for these failures. Surely the buck stops somewhere. There has been a massive failure here, either in terms of competence—

**Senator Hill**—This is your adjournment speech.

**Senator FAULKNER**—No, it is not. There has been a massive failure, either in terms of competence on the part of the Public Service or deceit on the part of ministers. Surely someone takes responsibility!

**Senator BRANDIS**—Point of order, Chair! These are not questions; this is quite improper. It is quite improper for Senator Faulkner to misuse the processes of this committee by not asking questions of witnesses but making speeches, no doubt for the television broadcasts this evening.

**Senator Hill**—I am surprised he did not call the media back in.

**CHAIR**—I think Senator Brandis is right, Senator Faulkner.

**Senator FORSHAW**—Mr Moore-Wilton, I take it that, when the Prime Minister conducts a media conference or interview, the transcript of the questions and answers is obtained by the department and/or his office.

**Mr Moore-Wilton**—My understanding is that the Prime Minister's press office certainly records or has a transcript available of the Prime Minister's press conferences. Whether or not they routinely come to the department, I would have to check. I see them from time to time. The answer is probably yes, but I would have to check.

**Mr Henderson**—I can confirm that it is a matter of routine. It does not mean that it is instantaneous—it certainly is not.

**Senator FORSHAW**—I am intrigued at the Prime Minister's statement on 8 October, when he said:

Quite frankly I don't want ... in this country people who are prepared, if those reports are true, to throw their own children overboard.

**Senator Hill**—Are you complaining about that?

**Senator FORSHAW**—No; can I ask the question?

**Senator Hill**—Are you complaining about the Prime Minister's apparent caution?

**Senator FORSHAW**—No, I am not complaining about his caution at all.

**Senator COOK**—You are running in defence, Senator Hill; it is patently obvious.

**Senator FORSHAW**—I wanted to follow that up with this: was the Prime Minister's own statement—and presumably that was known to his staff including you, Mr Moore-Wilton—followed up?

**Mr Moore-Wilton**—Why would it be known to me? Are you asking if I was consulted before the Prime Minister went to a press conference that day? The answer is no.

**Senator FORSHAW**—Do you know the basis of his comment that 'if those reports are true'? Why did he say that?

**Senator Hill**—You may well be reading more into the reservation than actually existed.

**Senator FORSHAW**—I did not say that; he did.

**Senator Hill**—If you look at the way the Prime Minister normally responds to questions, he answers them cautiously.

**Senator FORSHAW**—So he likes to know the facts?

**Senator Hill**—In this instance, there is no doubt that each of the three ministers was told there were children overboard.

**Senator FORSHAW**—So the Prime Minister works on the basis of endeavouring to be certain about what comments he is making to the public, does he?

**Senator Hill**—He is, more often than not, cautious in the way he expresses things.

**Senator FORSHAW**—I see.

**Senator COOK**—I will go back to the beginning again. Within four hours of the report being transmitted by the CO, a report of children being thrown overboard is repeated in some form or other by the Minister for Immigration and Multicultural Affairs, and later by the Prime Minister in the words we have just heard. Within the department there is a task force, which all the evidence today indicates is monitoring a dynamic situation that is changing momentarily. That is why the task force meets as required and is, in your words, in almost constant session.

This report comes through. No follow-up action is taken by your department to find out later what the condition of the alleged children overboard was, how many of them there were, what age they might have been, what condition of health they were in upon recovery—if they were recovered, if there were ongoing alleged efforts to throw even more children overboard or whatever. It was a dynamic situation, but your information train stopped at the first report. There was no iterative inquiry about what further events may or may not have happened and no departmental curiosity about those to keep the Prime Minister or other ministers informed. Is that what we are expected to believe?

**Mr Moore-Wilton**—No. Let me state again for the record: the task force was told by the appropriate officers that children had been thrown overboard on 7 October—I think it was 7 October. That was put in the task force report and, as you rightly point out, it was also communicated directly to ministers by some members of the task force. It was also communicated to me some time on 7 October. It was then publicly announced, as you have indicated. Concerns arose evidently within Defence. Subsequently, the department, through

the convener of the task force, on her authority, appropriately sought a chronology of what had happened.

**Senator COOK**—No. Can I just—

**Mr Moore-Wilton**—Let me just finish, if I may, because I think it is important again just to state this point.

**Senator COOK**—I will let you finish because I have a follow-up question.

**Mr Moore-Wilton**—The Department of Defence, as we now subsequently have found out, quite properly instituted, or had instituted during this time around about 8 October, a series of inquiries to substantiate whether children had been thrown overboard—and they have been documented in General Powell's report. They were the internal processes of the Department of Defence, appropriately through the chain of command. It was indicated in the chronology on 10 October that there was no conclusive evidence, or words to that effect, of children being thrown overboard, but there was a clear footnote 'however they may well have been'.

Almost within the same time frame, the Minister for Defence released two photographs of children in the sea being rescued, with the press reports being that that was taken on the day that the ship was apprehended. The departmental officers in their statements have attested that they formed the judgment that those photographs resolved the issue, and they took no further action. However, within the confines of the Department of Defence, quite properly they continued to seek to establish the facts. They did so, and that process then was not within the context of the task force but was within the chain of command and within the Minister of Defence's office. It is documented in chapter and verse.

The first time I became aware that that information existed, as I said, was when the Chief of Defence Force sent me a copy of General Powell's report. There is no indication from any of the statements of any of the officers that the task force was told either about the details of those inquiries or otherwise. I just say again: the department believed that the issue was closed. It was not reopened with the department or the task force. It was handled through the appropriate processes of the chain of command. The Department of the Prime Minister and Cabinet does not go around second-guessing every department and every minister conducting tests on the veracity of their own information. But those tests were taking place, which I think is the real issue: that a proper process of reassessment was taking place.

**Senator COOK**—Through you, Mr Chairman, I thank Mr Moore-Wilton for reiterating what he has told us thus far and which is the official story here. But, as he did not answer my question, perhaps I can come back to it. Let me give you an illustration. I was minister for resources for a time, and there was a matter of public notoriety where protesters were sitting in a forest, preventing the forest from being cut.

**Senator Hill**—Senator Faulkner had some of those as well.

**Senator COOK**—We are talking about the best traditions of the Public Service here, and you have alluded to them as being observed in this case. My understanding of the best traditions of the Public Service is that they keep an alert interest in matters that ministers need to be informed about and maintain a constant flow of information, particularly in a dynamic situation that ministers are monitoring or following. My department certainly did that. I asked questions of my department from day-to-day, sometimes from hour-to-hour: how many police were involved, who was arrested, what were the charges, what was the nature of all of this? That is what you do in a situation like this.

In this situation, though, your evidence today and that in the reports leads to this observation: everyone wanted to know about the allegation of the children, or child, being thrown overboard; but, as soon as that information went public, there was no ministerial inquiry or Prime Ministerial query to your department as to whether there were further developments; that you never kept an alert interest to your Prime Minister's need to be kept across the issues—that is, that the information flow stopped and you left it to the Department of Defence. You never fed your minister or, in this case, the Prime Minister the changes in different reporting or the changes in further developments. Are we expected to believe that?

**Senator Hill**—That is being smart with the benefit of hindsight.

**Mr Moore-Wilton**—But also, Senator—

**Senator COOK**—Can I just say—

**Mr Moore-Wilton**—That is not what I put to you, Senator.

**Senator COOK**—I am afraid it is; it sounds terribly like that.

**Senator Hill**—He said it is not. You can put whatever political spin on it that you like.

**Senator COOK**—No, I am not putting a spin on it.

**Mr Moore-Wilton**—And it was not in isolation, Senator.

**Senator COOK**—I am being consistent. It is what you have put to me. If it is not what you have put to me, then upon receiving this report, upon hearing the Prime Minister speak publicly on this matter, what next did you do to see whether that one incident had been repeated, whether there had been a repetition of it?

**Mr Moore-Wilton**—Of what incident?

**Senator COOK**—The allegation that children had been thrown overboard. Did you ask, or did you cause your department to inquire, an hour or a couple of hours or a day later, whether any more children had been thrown overboard or whether the children who had been thrown overboard—

**Senator Hill**—But you can state that if that was occurring—

**Senator COOK**—If you do not mind, Senator Hill, may I finish? Did you ask whether children who allegedly had been thrown overboard had been recovered or what state of health they were in? Did you ever ask any of those questions by way of follow-up?

**Mr Moore-Wilton**—What happened—this is what you have not put in the picture—was that the task force went on with its proper duties of monitoring what happened to all of the people who were rescued and then how we would deal with them, both in regard to Christmas Island and subsequently, which were considered then to be the substantive operational issues. It was not as though the task force operated in sort of time slices and said, 'Well, now we have a children overboard issue,' and everything stopped. The real game went on. That is what the task force dealt with.

As I indicated to you, departmental officers formed a view, on the basis of the evidence available to them, that this issue was no longer an issue for the task force. In hindsight, they might be wrong. But it was not a deliberate error, and they went on with their task of actually handling the illegal arrivals. Subsequently, in November, when the media raised queries about the photographs and the video, that was brought to the attention of the task force and it was understood that it was being handled appropriately through the office of the Minister for Defence, and the Prime Minister and the Minister for Defence discussed the matter. It was not

an issue for the task force; it had been overtaken by direct responsibility being assumed at the ministerial level by the Minister for Defence and it dealt with the defence process. It was not a task force issue. The task force was still meeting regularly in dealing with asylum issues.

**Senator COOK**—With respect, that is the third time you have given that answer, but it is not the answer to the question I have put.

**Senator Hill**—It is not the answer you want.

**Senator BRANDIS**—It might not be the answer you want, Senator Cook. That is the problem.

**Senator COOK**—No. I would prefer you to try and direct your attention to actually answering the question. By repeating the answer you have given, it seems that the answer is: no, there was not an alert interest kept to the need to inform the Prime Minister of events as they unfolded. The task force that you have referred to did regard this as an issue when it was reporting the child overboard incident. It then decided it was not an issue and did not pay any attention to it. The task force can walk and chew gum at the same time. This is not the only matter that—

**Mr Moore-Wilton**—I am not sure everybody else can.

**Senator FORSHAW**—The task force is not the whole of the department, Senator.

**Senator COOK**—Thank you very much for that observation. I hope you can, Mr Max Moore-Wilton.

**Senator BRANDIS**—Oh, for goodness sake, Senator Cook!

**Senator Hill**—Within 24 hours the boat had sunk and everyone had been rescued.

**Senator FORSHAW**—So there was no-one else in the department thinking about this; is that what you are saying?

**Senator COOK**—Can I come back to the question? What steps were taken—other than the task force closing the book on the incident after it had reported it—to find out more about the incident, the condition of the children, how many children there were and what their circumstances of recovery were? What steps were taken?

**Mr Moore-Wilton**—As you are aware, some people did throw themselves overboard, and there were threats. Now it has been substantiated that at least one child and a minor aged between 13 and 15, who would be regarded by most courts in Australia as a child, were found in the water. In regard to the condition of the people rescued, those people who had thrown themselves overboard on the seventh were all rescued on the seventh. Subsequently, on the eighth, we were advised that the vessel was sinking, after being deliberately sabotaged by the people on the boat, and the Navy, again in the highest traditions of the armed services of this country, rescued those people. The task force was informed of that. The people were taken on board the *Adelaide*. We were given regular reports, which were conveyed through to ministers and the Prime Minister, as to the condition of those people. Subsequently they were taken to Christmas Island, and subsequently they were conveyed elsewhere. That was done in the normal way.

The issue of children being thrown overboard was considered, rightly or wrongly, by the task force to have been closed and not an issue at that time. But everyone who was on the vessel was appropriately rescued and dealt with. We can give you the reports—they are available—which indicate that.



**Senator FORSHAW**—Mr Moore-Wilton, you keep saying that the task force considered it closed. You have said the ‘task force’ time and time again, but this issue went wider than just the members of the task force, particularly as the Prime Minister was out there having made a statement, indicating himself that he did not have the full facts or the full report. There are other people in the Department of the Prime Minister and Cabinet and in the Prime Minister’s office who, surely, had an interest in endeavouring to verify with the Prime Minister what he had been saying. It was not just the responsibility of the task force here, it is the department’s responsibility, isn’t it? And your responsibility.

**Senator Hill**—Everyone had been rescued, and the issue had moved on.

**Senator COOK**—But none of them were children.

**Senator Hill**—All the children were rescued.

**Senator COOK**—There were not any children in the water.

**Senator Hill**—There were children in the water.

**Senator COOK**—Eventually, unless you want a 13-year-old—

**Senator Hill**—The day after.

**CHAIR**—Order! Senator Forshaw, continue.

**Senator FORSHAW**—You, Mr Moore-Wilton, refer to this statement that there is no conclusive proof but it may have happened as some sort of justification for people to continue to assume, ‘We’ll leave the story we first put out because it has not actually been completely contradicted.’ But the statement that there is no conclusive evidence must raise in the minds of any reasonable person, let alone political advisers, departmental advisers and others, that there is a big question, and that the veracity of the statements need to be proved. You cannot rely on the old ‘Well, it may have happened.’ That reminds me of the story in which they ask the Irishman whether the pub is closed and he said, ‘Well, it is or it isn’t.’ It proves everything and nothing.

**Mr Moore-Wilton**—Yes, some of the issues here today could be a bit Irish.

**Senator FORSHAW**—Some of the answers are.

**Mr Moore-Wilton**—Yes, maybe. But you are ignoring the basic juxtaposition. A judgment was made by officials, as stated in their statement. They received a chronology prepared by the Department of Defence that raised queries as to whether children had been thrown overboard but indicated that they may well have been. Almost simultaneously, the Minister for Defence released photographs of children in the water being rescued by the Navy.

**Senator FORSHAW**—Without captioning.

**Mr Moore-Wilton**—Excuse me. The understanding at that time in the media, elsewhere, the department and the minister’s office was that that was at the time the vessel was apprehended and related to the advice provided by the commander of the *Adelaide* and conveyed through the normal chain of command.

What the official said—and let me say again that you cannot separate the two, I suggest, with due respect—was that they stopped looking at the issue when the photographs were released on that day. The issue of the photographs did not emerge again, outside the context of the Department of Defence until a month later.

**Senator FORSHAW**—That may be your view—

**Mr Moore-Wilton**—No, they are the facts.

**Senator FORSHAW**—That may be your view of the facts, but my recollection of the issues at that time was that the moment those pictures appeared in the paper, questions were starting to be asked—including in the media—that these photographs did not prove anything. They just showed a couple of people sitting in the water with life jackets on. They did not actually prove throwing them overboard. Mr Reith was then starting to talk about a video but, of course, no-one saw the video.

**Senator Hill**—The Prime Minister released the video.

**Senator FORSHAW**—In all of this, surely the reasonable approach was for somebody somewhere—in the department or in the Prime Minister's office—to say, 'Hang on, let's actually just test this.' If this is the sort of evidence that people are going to rely upon, then—geez!

**Senator Hill**—The video was released during the election campaign.

**Senator COOK**—On 8 November.

**Mr Moore-Wilton**—But, Senator Forshaw, you are ignoring General Powell's report, in that case. You will know, from General Powell's report, that once the issue of whether or not children were thrown overboard on 7 October it then required—and the Department of Defence quite properly required—an appropriate process to establish that. It took them several days, if not weeks, to do that, and then the photographs and video issue became relevant. The only way that those issues could be resolved was within the appropriate and proper framework of the Department of Defence, which was carried out. It was not until subsequent to that that the Prime Minister asked the task force to carry out an inquiry. The task force, at all times, quite properly, took the advice that was given in good faith that children had been thrown overboard. The photographs then, 'muddied the water'. I cannot say it any more times than that. I can understand you, in hindsight, saying that this is a big issue, but the task force was actually dealing with the reality of what do we do with these people—all of them—and how the Navy would continue to deal with a very difficult situation.

**Senator FORSHAW**—I thought it was a big issue at the time—not with hindsight.

**CHAIR**—Senator Forshaw, may I interrupt. We have been rehashing this issue backwards and forwards for quite some time, and we are starting to debate a bit. I think Senator Collins does have a couple of questions, but I just direct senators to that, that we are traversing ground that is quite well worn.

**Senator COOK**—Senator Mason, I have not concluded my line of questioning.

**Senator JACINTA COLLINS**—Senator Cook, it is simply a point of clarification. Mr Moore-Wilton, can you clarify for me whether you indicated to us before that, in your view, there was a substantiated report of a child and a minor being put overboard. It is what I thought I heard at the time.

**Mr Moore-Wilton**—Two separate issues, Senator. You will note from General Powell's report, and the subsequent issues, there is a question of whether a child or children were thrown overboard, or threatening to be thrown overboard. I can only go on what the report says that that was translated as it went through the chain of command, to 'children being thrown overboard'. That is one issue. The second issue was a minor—I think aged 13 to 15—was found in the water at the time, presumably, because there is no evidence to the contrary, of having thrown himself overboard. But it is not at all clear as to how the minor was found in

the water. Thirdly, there was the issue about the asylum seeker holding a small girl over the gunnels and having a naval vessel underneath pleading with the person not to drop the girl, and subsequently coming back.

**Senator JACINTA COLLINS**—None of which amounts to a substantiated report on a child being thrown overboard.

**Mr Moore-Wilton**—That issue was dealt with at length in General Powell's report, and Brigadier Silverstone's, and I think you might properly refer that to the parties concerned.

**Senator JACINTA COLLINS**—Yes, but I think you will need to be a bit more careful about your language.

**Senator Hill**—This was the report of the Defence Strategic Command.

**Senator JACINTA COLLINS**—The *Hansard* may well show—and I am giving you the opportunity to clarify—that your statement was that there were substantiated reports of a child and a minor being put overboard. And that is not the case.

**Mr Moore-Wilton**—I don't think I put them together but, if I did put them together, I have clarified that, haven't I?

**Senator JACINTA COLLINS**—You did.

**Senator COOK**—I just want to come back to the issue that I was asking questions on. Earlier I think, Mr Max Moore-Wilton, you invoked context so that we could understand how these events were being played out. One of the other elements of that context was that there was saturation media coverage of this event, including of the photographs, and it was running hot on talkback radio in the early stages of an election campaign. That is also context, I think, to these circumstances that ought to be included in the record of this discussion. Perhaps I need to put it another way because your reply simply repeated what you had said to me before. Are you saying that after the task force reported these matters no further questions were put by you or no information was requested of you to find out more about what then happened, that you relied entirely on incoming advice from the task force, that you did not initiate any outgoing questions to the task force for further news on developments?

**Mr Moore-Wilton**—Two points, Senator, to try and answer your question. One is the environment within which all this happened—as you say, the election context—and two, the actual facts. As you are aware, the caretaker convention provides that the Public Service is particularly conservative and sensitive to the advice it provides during an election campaign. The contacts between ministers and prime ministerial offices and the Public Service during that time is heavily constrained—appropriately so—so that advice and issues cannot be used in a political context. All of my officers in the Department of the Prime Minister and cabinet are very aware of that.

**Senator COOK**—In fact, I think the Prime Minister himself addressed the issues of the caretaker conventions and what range and scope a government had during the election campaign, which is something which is probably worth reading again in the light of this discussion.

**Mr Moore-Wilton**—So the department is very careful about giving blow-by-blow information on issues which may or may not be politically sensitive at the time, and to confine itself essentially to the facts or new issues emerging which relate to the administration of government. This clearly did not. This was clearly hearsay—the question about 'after advice was given that children had been thrown overboard'. The only concerns raised were

essentially hearsay until subsequent events have proven to a greater extent that there was some confusion.

Secondly, as I did point out earlier in my remarks, the question of a chronology was never something brought to my attention. I was not aware that such a chronology had been asked for. It was dealt with at the level of Ms Halton and the officials. As I say, I have no criticism of that because I think it was just prudence on their part that they sought it. They subsequently formed a judgment, which again I do not criticise, that the photographs clarified that issue to their satisfaction. I had had no reason to believe that this issue was under review and subsequently, as I said, the issue came to my attention in November. The fact that people had mentioned to me in passing that they were checking the information is just ongoing day-to-day administration. There was no conclusive evidence presented to me or the task force that children were not thrown overboard.

**Senator FAULKNER**—Ms Halton saw the chronology, did she?

**Mr Moore-Wilton**—My understanding is she did. Certainly Ms Edwards saw it. I am not sure whether Ms Halton saw it. You would have to ask her.

**Senator COOK**—So the answer to the question: ‘Did you initiate any further inquiries to keep yourself advised?’ is no, you didn’t.

**Mr Moore-Wilton**—I was not aware of the issues.

**Senator COOK**—You waited for advice to come to you.

**Mr Moore-Wilton**—I was not aware that there was a problem other than the normal prudence of issues being checked.

**Senator COOK**—No. Let me be even more precise, given the precision of your answer. You were not aware of a problem, as you say, at the time concerning children overboard. You believed at the time, you say, that the advice that had been given was accurate.

**Mr Moore-Wilton**—I was told that children were thrown overboard, and I believed that was accurate.

**Senator COOK**—And you believed, as you say, that that was accurate.

**Mr Moore-Wilton**—Yes.

**Senator COOK**—My question is, though—

**Senator FAULKNER**—Who, precisely, told you that, Mr Moore-Wilton?

**Mr Moore-Wilton**—I think the chair of the task force told me that at the time that the task force was told, and I would have seen it the next day in the task force report.

**Senator FAULKNER**—But Ms Halton told you?

**Mr Moore-Wilton**—Yes, Ms Halton told me; I think she will confirm that.

**Senator COOK**—But, after hearing that advice, you never at any point initiated further questioning, at a later hour after receiving that advice or a day or so later, to find out whether this was an ongoing incident or how that incident had been finally resolved?

**Mr Moore-Wilton**—I knew how that incident was finally resolved. I was told in the report that all people in the water on 7 October were picked up, put back on the boat, because the instruction at that time to the commander of the *Adelaide* was that the boat was to be rehabilitated. It had been sabotaged in terms of its motor. It was to be rehabilitated and they were to look at the strategy of taking the vessel back from whence it came. So my

understanding was anyone in the water was rescued by the members of the Royal Australian Navy, appropriately, as they were instructed to do. They were back on board the vessel. No medical assistance was called for, as I recall. The next day the task force subsequently told me—surprise, surprise!—that the vessel had sprung a leak and was sinking and that people had to be rescued from it. Again, done appropriately by the officers and ratings of the Royal Australian Navy. Situation normal.

**Senator COOK**—So in the first part of that, when you were advised that people were back on the boat, that they had all been rescued, you never inquired at the state or the circumstances of the children that was allegedly referred to? You never made that inquiry?

**Mr Moore-Wilton**—On that day, as I recall, I was meeting almost continuously with representatives of the Papua New Guinea government about arranging for another location for a processing camp. Nobody brought to my attention that there was any problem and I did not necessarily go out searching for it. I had many other things to do.

**Senator COOK**—So you did not make it that important?

**Mr Moore-Wilton**—I did not believe there was a problem. It was handled by the experts and I believe it was handled well.

**Senator Hill**—Everyone was rescued.

**Senator COOK**—So the answer to my question was: yes, you did not make that inquiry?

**Mr Moore-Wilton**—I am just giving you the context, Senator, which I know you will appreciate.

**Senator COOK**—I do appreciate it and I appreciate your confirmation. You are nodding your head in the affirmative. I take it that is a yes; you did not make the inquiry.

**Mr Moore-Wilton**—I did not give you a yes or no answer, Senator. I gave you an answer.

**Senator Hill**—He is entitled to answer it in his own terms.

**Senator FAULKNER**—Could I ask whether the paper ‘Options for handling unauthorised arrivals: Christmas Island boat’ was a PM&C or a task force paper?

**Mr Moore-Wilton**—Would you remind repeating the title.

**Senator FAULKNER**—I think this was generated on 7 October. It is titled ‘Options for handling unauthorised arrivals: Christmas Island boat’. I was wondering whether it was a PM&C or task force paper.

**Mr Moore-Wilton**—Ms Bryant advises me it was a task force paper.

**Senator FAULKNER**—I see. Is that prepared effectively in PM&C? Would a PM&C officer—

**Mr Moore-Wilton**—Physical location would have been, I think, in the main conference room in PM&C with the members of the task force present and then drafted by the relevant members of the task force and cleared by the head of the task force.

**Senator FAULKNER**—I see. Are those papers, after they are developed, cleared by the IDC? Is that how it works?

**Mr Moore-Wilton**—It is a task force paper and bears its imprimatur. That is my understanding.

**Senator FAULKNER**—It is drafted and goes—

**Mr Moore-Wilton**—Within the task force it is drafted.

**Senator FAULKNER**—Is it cleared in a formal way by the task force?

**Ms Bryant**—At the top of page 8 of my report it says:

Ms Halton's statement indicates that during the day of 7 October, a paper was prepared ... This paper was subsequently presented to the evening Taskforce meeting for input and clearance. The paper made reference to "children overboard" and was cleared by everyone at the meeting.

Attendees were those for the morning meeting with the exception of Air Vice Marshall Titheridge who was present in the evening.

**Senator FAULKNER**—Yes. But this is one of those papers that fits into the category that Mr Moore-Wilton was talking about after the lunch break, isn't it?. It is one that looks to me as if it goes to the Prime Minister as opposed to all the agency heads and so forth.

**Mr Moore-Wilton**—No. That paper was generally distributed.

**Senator FAULKNER**—All right.

**Ms Bryant**—I am not aware of its precise distribution. Mr Reith's statement indicates he also received a copy of it. But I am not aware, for example, of any other ministers other than the Prime Minister. I think Mr Farmer was present so he would have seen it in that context of the meeting.

**Senator FAULKNER**—Were you yourself involved in the preparation of that paper, Ms Bryant.

**Ms Bryant**—No. I was on leave.

**Senator FAULKNER**—In relation to your report, on page iv in the box there is this sentence:

The special arrangements to enable rapid verbal transmission of information for strategic planning purposes resulted in—

And then there are three dot points. Was PM&C apprised of the special arrangements here?

**Ms Bryant**—I am not aware of them having been apprised of that. I can't find the paragraph quickly but it is in here somewhere. I think it was Rear Admiral Ritchie who reported to me that an arrangement had been agreed with Mr Reith's office that, to facilitate rapid transmission of information and planning of operational responses, rather than the normal chain of command, which would have been the *Adelaide*, Northern Command, Australian Theatre, Strategic Command and then perhaps the minister's office, they would in effect leave out the Australian Theatre step and go from Northern Command directly to Strategic Command.

**Senator FAULKNER**—Is the task force involved in the special arrangements in any way?

**Ms Bryant**—Not in the evidence available to me. There is no indication that it was. It was an internal Defence matter.

**Senator JACINTA COLLINS**—There are a few occasions throughout the report that indicate an understanding that the special arrangement included the head of the task force. What is your understanding of that?

**Senator Hill**—I cannot hear that question. I want to hear the question too.

**CHAIR**—Senator Collins, could you repeat that.

**Senator JACINTA COLLINS**—My question was that there are references throughout at least one of the reports, if not two, to it being understood that information being communicated by Defence to the head of the task force was part of the accepted practice. Are you aware of that and the basis of that report?

**Senator Hill**—Defence was on the task force. Take the Sunday afternoon meeting: Air Vice Marshal Titheridge, who is head of Strategic Command, was there.

**Senator JACINTA COLLINS**—Yes, but if you take the morning meeting—

**Senator Hill**—If you take the morning meeting, it was his assistant.

**Ms Bryant**—Group Captain Walker.

**Senator JACINTA COLLINS**—Yes. But, as I said, there are references throughout the report that a call was made to the head of the task force and that was understood as part of routine practice under these special arrangements. Do you know of that, Ms Bryant, and the basis of that?

**Ms Bryant**—I have just located the reference in the report on page 11—

**Senator JACINTA COLLINS**—Is this your report?

**Ms Bryant**—My report, yes, to the advice of Admiral Ritchie about the special arrangement. My understanding is that it was a regular occurrence for Defence to provide whatever information was necessary for the conduct of whatever operations were in train at the time to the task force and Ms Halton in that context. There was no indication that Ms Halton had requested or was a part of any prior decision about how foreshortened the communication channels would be within Defence, but it was quite normal for advice to be passed to her by Air Vice Marshal Titheridge.

**Senator JACINTA COLLINS**—Why was that? That is not within the normal chain of command for Defence. This is what I am trying to get to the bottom of.

**Ms Bryant**—To facilitate the whole of government coordination of responses to the management of unauthorised arrivals.

**Senator JACINTA COLLINS**—So it is a special arrangement that includes Ms Halton. Do you understand the basis of that special arrangement?

**Ms Bryant**—Ms Halton is not part of that chain of command.

**Senator JACINTA COLLINS**—That is right.

**Ms Bryant**—And I think does not purport to be.

**Senator JACINTA COLLINS**—I am not suggesting that she does.

**Ms Bryant**—The basis of it is to pass advice to the task force to facilitate planning of management responses.

**Senator Hill**—But it was coming—correct me if I am wrong—from the Defence Strategic Command, in any event, which would be the normal line of communication.

**Ms Bryant**—That is correct.

**Senator JACINTA COLLINS**—The normal line of communication would be from Air Vice Marshal Titheridge through to the head of the task force within the department?

**Senator Hill**—Yes.

**Ms Bryant**—Air Vice Marshal Titheridge's evidence to me suggests that his normal practice—again on page 11—was to advise the CDF, Minister Reith's office and the chair of the task force.

**Senator JACINTA COLLINS**—What I am trying to understand is whether that is normal normal practice or whether that is normal practice as part of these special arrangements.

**Ms Bryant**—I believe it is normal normal practice. The special part was only the skipping of Australian Theatre within the normal Defence chain of command.

**CHAIR**—If I may jump in: the photographers are coming back. They missed you, Mr Moore-Wilton, before you had taken up your position at the table. They did not get you and want to try again, and I am going to allow it.

**Senator Hill**—I thought we were having a break at 4 o'clock.

**CHAIR**—We will take a break as soon as this part of the questioning is complete.

**Senator Hill**—Let them set up a photograph of Mr Moore-Wilton and then we will have our break. Do up your tie, scrub up a bit!

**Senator FAULKNER**—Could I ask a couple of questions, possibly directed mainly to you, Ms Bryant. Mr Moore-Wilton may be able to help. You have seen a number of other photographs: we have talked about the two, we have talked about the five, we have talked about the four and the six. There is a significant number of these photographs, as you would be aware and I think everyone is aware. There may even be hundreds of digital images, for all I know. It is certainly a significant number. Ms Bryant, when you were doing your report, did you have knowledge that there were a significant number of photographs circulating in Defence? I know you knew of some; it is quite clear from the report.

**Senator Hill**—Ms Bryant makes reference to some in the report.

**Senator FAULKNER**—I know.

**Ms Bryant**—I think I responded earlier that I was aware that there were several sets. I had a piece of paper which indicated to me the addressees or recipients of those emails from the ships and I made reference in the report to the existence of several sets of photos.

**Senator FAULKNER**—I appreciate that, but you were aware of the significant number of photographs. The sets of photographs are mainly small numbers of photographs, as I think we both appreciate.

**Ms Bryant**—On the piece of paper which lists the emails and the numbers of photos attached to it is a list of evidentiary records held and records of digital imagery passed by the *Adelaide*. Item 17 on the list is a CD containing 412 digital colour photos taken from the *Adelaide* covering the period 6 to 10 October. So there was mention in the material available to me that there was a CD containing that number of photographs.

**Senator FAULKNER**—Would you be able to table the list you have there?

**Senator Hill**—I would like to have a look at this. Can we come back?

**CHAIR**—Perhaps after the break.

**Senator FAULKNER**—You said 410; was that the figure?

**Ms Bryant**—I think I said 412.

**Senator FAULKNER**—But you were aware of them at the time, that there were 412?



**Ms Bryant**—I was aware from the likes of that evidence that there was a larger number. I did not make inquiries in respect of all 412, obviously, because only two were relevant to the issue of the advice to ministers.

**Senator FAULKNER**—Did you sight only two in the preparation of your report?

**Ms Bryant**—No, Senator. I sighted, all up, perhaps 20. I certainly did not sight all 412 of them.

**Senator FAULKNER**—Are you satisfied that you undertook all possible steps to establish who made the selection of the two photographs to use and under what instructions in these circumstances?

**Ms Bryant**—In my report?

**Senator FAULKNER**—Yes.

**Ms Bryant**—The evidence to me was that Commander Banks gave an interview to Channel 10 around midday on 9 October, in the context of that interview he made reference to the existence of photographs, that gave rise to the media requesting access to them very shortly thereafter and it was the media's requests for access to the particular photos referred to by Commander Banks that directed release of those particular photos. That is my understanding.

**Senator FAULKNER**—So you are satisfied as to the selection of the two photographs and the decision to provide them?

**Ms Bryant**—To me, there was nothing in the evidence that suggested there was ever a process of selecting from a larger number. My understanding from the evidence presented to me was that, as I said, Commander Banks made reference to the existence of particular photos and particular photos were requested.

**Senator JACINTA COLLINS**—Ms Bryant, that reference was in the context of Commander Banks's discussions about a number of issues other than the children overboard matter.

**Ms Bryant**—Senator, I do not have the content of his interview with me—it is included in the broader evidence I collected, but I did not directly quote from it in the report—but there was a list of the things that he discussed in the context of his interview that I did have access to.

**Senator JACINTA COLLINS**—If I recall correctly, you made reference to the fact that it did not cover the children overboard matter.

**Ms Bryant**—I would have to check that, Senator. I recall it certainly did make reference to the rescue, among other things. I recall it made reference to the humanitarian assistance provided to the asylum seekers at the time of their rescue by the *Adelaide*. I certainly recall that they were among the topics discussed.

**Senator JACINTA COLLINS**—To recast Senator Faulkner's question: are you satisfied that photographs that were selected for the purpose of portraying the courage of Navy personnel in rescuing people when their boat was sinking or sunk were released and then used for other purposes?

**Ms Bryant**—I think the evidence available to me says that Commander Banks's statement indicates that he made a statement to the press about the courage shown by his crew.

**Senator Hill**—It is now public knowledge that the photos related to the time of the rescue in conjunction with the sinking.

**Senator JACINTA COLLINS**—That was not my question, Minister.

**Senator Hill**—You are trying to get the witness to express it the way you want her to express it. But it is a fact of life and we are passed that. That is partly what this problem is all about: how could this have been?

**Senator JACINTA COLLINS**—Yes, and were asking Ms Bryant: is she satisfied, from her investigations, as to how that occurred?

**Senator Hill**—Ms Bryant has answered that they were the photos that Commander Banks had sent down.

**Senator JACINTA COLLINS**—I think I would like the witness to answer my question.

**Senator Hill**—You are giving her the words to the answer, actually. You want her to answer in a certain way, which is not really what this should be about. This should be about eliciting information.

**Senator JACINTA COLLINS**—I am pretty clear, Minister, that I asked a question, and I do not think Ms Bryant looks as if she is in any doubt of that fact.

**Senator FORSHAW**—I thought she was handling the question fairly well and was answering it until you interrupted.

**Senator FAULKNER**—A rather ham-fisted interruption.

**CHAIR**—Ms Bryant, please.

**Senator Hill**—What do we now know about the photos?

**Senator JACINTA COLLINS**—No, that was not the question.

**Senator FAULKNER**—That was even more ham-fisted.

**CHAIR**—Ms Bryant, can you answer Senator Collins's question?

**Ms Bryant**—The evidence available to me indicates that Commander Banks made reference to the existence of photographs in an interview he gave to the media. There is a discussion on pages 15 to 19 of my report which makes it clear what the train of transmission was and how those particular photos came to be released. The desire to obtain them was, I think, prompted by media inquiries to Mr Reith's office, immediately flowing from Commander Banks's interview. They became aware of the existence in that context, requests began to be made, and the sequence of misunderstandings and so on are documented in my report and are set out fully on pages 15 to 19.

**Senator JACINTA COLLINS**—And you are satisfied with the explanation as you have presented it, or do you think that there are still issues that need resolution?

**Ms Bryant**—I have set out fully the evidence that I thought was pertinent to this issue that was available to me, and I set out the findings that I thought I could make in respect of it.

**Senator JACINTA COLLINS**—And are you satisfied with the evidence that has been put to you?

**Senator Hill**—What do you mean 'is she satisfied with the evidence'? She has taken the evidence and formed certain conclusions, which is the basis of her report.

**Senator JACINTA COLLINS**—Does she believe she has been—

**Senator Hill**—I am not going to have words put into her mouth.

**Senator JACINTA COLLINS**—I do not believe I was doing that, Minister, but it seems you are doing it quite well.

**Senator Hill**—Clarify what you mean by ‘is she satisfied’.

**Senator JACINTA COLLINS**—Is she satisfied that she has adequate evidence to be satisfied it was a misunderstanding.

**Senator Hill**—Of the conclusions she reached.

**Senator JACINTA COLLINS**—Yes.

**Senator Hill**—Otherwise she would not have reached the conclusions.

**Senator JACINTA COLLINS**—Are you putting your words into the witness’s mouth?

**CHAIR**—We are going over old ground a bit now.

**Senator Hill**—We were promised a break at four o’clock.

**Senator JACINTA COLLINS**—We will revisit it when we come back. That is fine.

**CHAIR**—Is that all right?

**Senator FAULKNER**—It is all right, Mr Chairman. We always try to assist you.

**CHAIR**—You do, Senator Faulkner, thank you.

**Proceedings suspended from 4.18 p.m. to 4.40p.m.**

**CHAIR**—Before we recommence on Prime Minister and Cabinet, I advise that there will be no questions from the committee to the office of the Commonwealth Ombudsman so any officers from there may go, there will be some questions from Senator Brandis to the Audit Office and we will require the Public Service and Merit Protection Commission. Senator Murray has a question for Prime Minister and Cabinet.

**Senator MURRAY**—My colleagues from the Labor Party are exploring this thing in detail so I just have one question which I do not think has been covered. I do not mind it being taken on notice if you are unable to answer it at this stage. The question is to Mr Moore-Wilton. I am conscious of the caretaker provisions, but I recognise that this whole issue was of high interest during the election campaign. After the 7th and up until the end of the election, and in relation to any of those persons mentioned in Major General Powell’s report or Ms Bryant’s report who knew either that the oral statements were incorrect in any way or that the photographic evidence was incorrect in any way, were any of those persons required during that period to brief the Prime Minister, the two ministers concerned—Ministers Reith or Ruddock—or their press secretaries, or their officers, or any journalists with regard to these matters? Were they required to prepare a brief or contribute to the preparation of a brief?

**Mr Moore-Wilton**—I would have to say to my certain knowledge, speaking for myself, I did not brief the Prime Minister or any minister from that time through to the election on these issues. But to satisfy your question we would have to ask them explicitly. I think the answer for Prime Minister and Cabinet would be no. But to be fair to the officers concerned who are named I think we would have to ask them explicitly.

**Senator MURRAY**—Yes. You appreciate why I am asking the question, because if any of those people—and it has been named that they may exceed 30—were required to brief, then the question would be: why did it not come out then that they had a different view to that which was being expressed at the time?

**Mr Moore-Wilton**—The only point that I would make is of course the task force and Ms Halton continued to provide written briefings to the Prime Minister on task force issues right through until nearly the end of the election, I imagine, so they are briefing notes, but in relation to the activities of the task force, not on the specific issue which I presume you are raising, which is whether children were thrown overboard or not.

**Senator MURRAY**—To be absolutely clear, what has been identified through those two reports is that a number of persons were aware that either the oral statements made were found subsequently to be incorrect or had a different view or the photographic evidence was insufficient or incorrect, particularly with regard to the date. And if those persons were subsequently required in any way to brief or contribute to brief any of the persons I have mentioned—

**Mr Moore-Wilton**—On that issue.

**Senator MURRAY**—On those issues—then they would be at fault for not raising the fact that they had a different view.

**Mr Moore-Wilton**—We will have to ask, Senator; I would think that is the only way.

**Senator MURRAY**—I am happy for it to be taken on notice.

**Senator FAULKNER**—I will take you to page vii of your report, Ms Bryant. It is something we have canvassed a bit earlier in the day, but I just want to be clear on this. It is the third last paragraph, beginning:

In the light of continuing media attention, PM&C contacted Defence Strategic Command ...

We were talking earlier about whether the contact was made by PM&C or the task force and about information, in this case the chronology, being provided to PM&C or the task force. I do not want go over that again, because I think we understand the situation. Could you indicate both which officer contacted Defence Strategic Command—I want to be clear on this—and to whom the chronology was provided? It is becoming clearer, but it might be useful to get absolute clarity on that.

**Ms Bryant**—In the evidence available to me in the inquiry, it was not clear precisely who the chronology was provided to. The officer who made inquiries was a junior officer in my branch.

**Senator FAULKNER**—I am sorry; I could not hear what you said then. The contact was made by whom?

**Ms Bryant**—My understanding, from a member of my branch is that he was tasked by Ms Edwards to make the phone calls to Strategic Command.

**Senator FAULKNER**—It was a junior officer in your branch, but you do not want to name the junior officer. Is that right?

**Ms Bryant**—The junior officer's name is Matt Healey.

**Senator FAULKNER**—So he made the contact, on instructions from Ms Edwards.

**Ms Bryant**—That is my understanding, yes.

**Senator FAULKNER**—But you are not sure to whom the chronology is provided?

**Ms Bryant**—That was not made clear to me in the inquiries I conducted for this report.

**Senator JACINTA COLLINS**—Have you seen the document, Ms Bryant?

**Ms Bryant**—Yes, I have.

**Senator JACINTA COLLINS**—Is there any reason it could not be made available?

**Ms Bryant**—It would probably fit in the same category as the document before; Senator Hill may wish to sight it before agreeing to table it. I do not have it here with me.

**Senator Hill**—May I take that on notice?

**Senator JACINTA COLLINS**—Yes.

**Senator Hill**—I am having the document from before the break interpreted. We have an interpreter who can make a decision. It seems to be written in military code.

**Mr Moore-Wilton**—I have never seen it.

**Senator FAULKNER**—If there is no real clarity as to whom this chronology was provided to, are you saying there is no clarity at the Defence end or at the PM&C end?

**Ms Bryant**—I did not inquire with Defence, because the evidence available to me was that they prepared the chronology and passed it to the Department of the Prime Minister and Cabinet. In PM&C, in the evidence I collected for this process, it was not made clear to me who received the chronology.

**Senator FAULKNER**—It was not made clear to you who received it, but Defence might have assisted you with that, mightn't they?

**Ms Bryant**—I do not believe so. There would be no particular reason to think that they would be aware of who received it.

**Senator FAULKNER**—Do you know what the method of communication of the chronology was?

**Ms Bryant**—It was faxed to the department. I think my report makes reference to the time of that; it was approximately noon.

**Senator FAULKNER**—Sure, I appreciate that and I have read that, but sometimes with faxed documents, originals follow. Do you know if that happened?

**Ms Bryant**—I am not aware of that happening in this context but I would have to check.

**Senator JACINTA COLLINS**—Who was the fax sheet directed to?

**Ms Bryant**—I am not certain. I believe it may have been Matt Healey.

**Senator JACINTA COLLINS**—Could you take that on notice?

**Ms Bryant**—Certainly.

**Senator FAULKNER**—So it did contain a cover sheet, or whatever the correct terminology is?

**Ms Bryant**—I am not directly aware of that, Senator. I got the chronology, but I did not receive in the course of the inquiry a cover sheet. It may exist on departmental files.

**Senator FAULKNER**—But did you sight the original chronology or a copy of it?

**Ms Bryant**—I cannot be certain of that, Senator. I have a document, which is the chronology with that footnote. I don't know whether it's an original or a copy. My guess would be that it is a copy because the original would be left on departmental files.

**Senator FAULKNER**—Given that at this stage there is a lack of clarity about to whom this was provided, there is obviously a lack of clarity about what happens after it is faxed through, isn't there?

**Ms Bryant**—In the witness statements provided to me, there was no evidence of what happened with it subsequently.

**Senator FAULKNER**—You didn't see it, I assume, in your role in the division until you undertook the report. Would that be right?

**Ms Bryant**—That is right, Senator, because I was on leave at the time and didn't have any cause or purpose to go back.

**Senator FAULKNER**—Yes, you were on leave at the time but you did come back, obviously, well before you commenced this.

**Ms Bryant**—Exactly, Senator, but in that period my personal recollection is that, other than saying to people when I returned to work on the 15th, 'How was the week?' and hearing a brief summary that it was the week that was, and the normal sort of brief catch-up on the Monday morning, no mention of it was made to me and I was not aware of the issue coming up within the division until probably some time in November.

**Senator FAULKNER**—Would you be able to hazard a guess when in November?

**Ms Bryant**—My personal recollection of when SIEV4 was first raised with the division was around 7 November, Senator.

**Senator FAULKNER**—So the chronology with a footnote is more senior officers in the department are at least aware of its existence by 7 November.

**Ms Bryant**—Senator, in the statements provided to me by people—by Ms Edwards—I would believe her to have had access to the chronology. It is not clear from the witness statements to me who had access beyond that.

**Senator FAULKNER**—But here we are talking about your own access to it, aren't we, in your role as putting on your branch hat, if you like, as opposed to your investigative hat?

**Ms Bryant**—Senator, I did not have cause to go back through any of those papers for any functional reason during that time. I was not aware of the chronology until reference was made to it, I think in Ms Edwards' statement to me in the course of the inquiry. I obtained a copy of the chronology in that context and have included it in the evidence, along with Ms Edwards' statement.

**Senator FAULKNER**—I do not know who this is best directed to—possibly Mr Moore-Wilton or Mr Henderson—but has the department looked at the general question of the operations of ONA in the light of what this whole saga has thrown up in relation to its role? I am not going to the specifics here of what ONA said and why they said it and so on and so forth; I accept they are matters for ONA. But I wondered if the department had taken any action on what I think is a pretty clear ONA reporting flaw that is highlighted in Ms Bryant's report—that is my view—or any action in relation to ONA at all?

**Mr Moore-Wilton**—No, Senator, the department has not taken any specific action in regard to ONA. Of course, the director of ONA may be able to advise you of action he has taken. I am not aware of any action, and we did not initiate any action.

**Senator FAULKNER**—I appreciate I can ask the director of ONA, but I specifically went to you. I am asking this in relation to the Department of the Prime Minister and Cabinet as a portfolio question.

**Mr Moore-Wilton**—I would like to elaborate a little bit with regard to that. I understand that the ONA took it essentially from advice from the task force and, to some extent, the

media. As I have indicated in earlier questioning, the department and, certainly, I had no reason to query the source advice, which was not from ONA. It was actually from the chain of command, subsequently through Air Vice Marshal Titheridge, that children had been thrown overboard. We had no basis at that time to query that advice and I did not raise any questions. No substantive basis or reasons were raised.

**Senator JACINTA COLLINS**—I would like to clarify an earlier issue. I want to be clear that I understood Ms Bryant correctly. Ms Bryant, did you indicate that it is not clear in your mind whether Ms Edwards saw the footnote to the chronology?

**Ms Bryant**—Her statement makes reference to the footnote. It is quoted on page 31, so I believe she did.

**Senator FAULKNER**—Can you advise me in relation to a matter you raise in the second and third last paragraphs on page 11—the telephone call from Air Vice Marshal Titheridge to Ms Halton, subsequently passed on to IDC members? Are you aware of who else may have been advised of this?

**Ms Bryant**—Are you asking me who was made aware of it by Air Vice Marshal Titheridge?

**Senator FAULKNER**—I was asking in relation to Ms Halton because of her role in DPM&C. I can ask Air Vice Marshal Titheridge at some later stage.

**Ms Bryant**—In terms of Air Vice Marshal Titheridge, the second complete paragraph on page 11 says that Air Vice Marshal Titheridge had no specific recollection of who he had advised, but his normal pattern would have been the CDF, Minister Reith and Ms Halton. In terms of who Ms Halton advised, I think I have concluded that she received a phone call from Air Vice Marshal Titheridge and passed that information to the IDC members.

**Senator FAULKNER**—I appreciate that, and I appreciate what happened in relation to Mr Farmer passing it on to Mr Ruddock and so on. All that is clear. Are you aware whether it was passed on to anyone else? The Prime Minister's office, for example, or Mr Moore-Wilton—it could be anyone.

**Mr Moore-Wilton**—I can confirm that on Sunday 7 October, once the contact had been made with the vessel, I did receive a telephone call from Ms Halton that indicated basically that this vessel was unusual and that people had life jackets on. I think Ms Halton told me that that had been conveyed to the Prime Minister or his office. She also indicated to me that the advice was that children had been thrown overboard. I think that is consistent with the information provided in the report. I can certainly confirm that Ms Halton told me that on that day, and I noted it. I am almost certain she told me the Prime Minister had been advised, and I took no further action. The task force was meeting to consider what steps would be taken and the matter went forward.

**Senator FAULKNER**—That does not appear in your report, does it, Ms Bryant? I have missed it if it does.

**Ms Bryant**—There is no reference in my report to advice Ms Halton passed to Mr Moore-Wilton.

**Senator FAULKNER**—Or the Prime Minister's office.

**Ms Bryant**—She did not mention that to me in my interview with her at the time. In terms of advice to the Prime Minister, it is clear in my report on page 12, I think, and elsewhere that

written advice was provided to the Prime Minister in the paper titled 'Options for handling unauthorised arrivals: Christmas Island boat'.

**Senator FAULKNER**—Is that what you were referring to, Mr Moore-Wilton?

**Mr Moore-Wilton**—Yes. As I said, Ms Bryant did not ask me that question, but I am quite happy to accept that I was told on the 7th of the boat, the life jackets and children being thrown overboard. My recollection also is that the bulk of the conversation was about what appropriate steps were being taken to rescue anyone in the water, not specifically the children. I alluded to that earlier with Senator Cook.

**Senator FAULKNER**—Ms Bryant, in your report you refer to a formal communication with some members of former Minister Reith's staff. Why did you decide to go to some members of former Minister Reith's staff?

**Ms Bryant**—As I said in response to an earlier question, I chose the people I interviewed on the basis that I would get one piece of information that suggested that a report was directly passed to people and then that would cause me to speak to the named individual. In this context, for example, I had information that Mr Bloomfield had directly contacted Mr Hampton, and that led me to talk to Mr Hampton and so on. It was because I was directly connecting people and they were referring to each other.

**Senator FAULKNER**—Yes, but Mr Jordana and Mr O'Leary from the Prime Minister's staff are also mentioned here. You did not talk to them?

**Ms Bryant**—I do not recall any mention of Mr O'Leary in the course of the evidence presented to me.

**Senator FAULKNER**—His name appears in the Defence chronology, doesn't it?

**Ms Bryant**—I would have to check that, Senator. You may be referring to a request to release the photographs if they were available.

**Senator FAULKNER**—I could shuffle through and find it. I can assure you it is there somewhere.

**Ms Bryant**—As I said, I do not recall Mr O'Leary. None of the witnesses made direct reference to him when talking to me. In terms of Mr Jordana, Ms Halton's witness statement did make reference to the fact that she had told him that she was doing checking, but there was nothing in that evidence that led me to believe she had provided particular further or additional advice to him that would cause me to go to ask him about it.

**Senator FAULKNER**—An AAP report which I just got hold of in the break—it is a pretty reliable source, I am sure you would agree—states:

He—

Mr Howard, I interpolate—

said his senior adviser on foreign policy Miles Jordana had heard rumours from someone in former defence minister Peter Reith's office and the head of the government's people smuggling taskforce Jane Halton that the reports may have been inaccurate.

This is a report on today's question time in the House of Representatives. Would you be able to throw some light on when that contact took place?

**Ms Bryant**—I think Ms Halton's witness statement—again, on the very bottom of page 31—says that she was informed about the photos 'in November sometime'. In terms of the statement provided to me at the time, and my own recollection that I referred to earlier about



7 November, it was raised in the division. Certainly the request to me at the time, on 7 November, was a request from Mr Jordana to check sit reps and Defence material; that is my recollection.

**Senator FAULKNER**—So Mr Jordana contacts you—this is you personally, in your departmental role—

**Ms Bryant**—Yes, in my role as departmental officer.

**Senator FAULKNER**—on 7 November.

**Ms Bryant**—Yes, and that was my first recollection from the time I returned to leave of this being raised again with the department.

**Senator FAULKNER**—How did Mr Jordana contact you?

**Ms Bryant**—I received a telephone call that evening.

**Senator FAULKNER**—And the general thrust of that call was what?

**Ms Bryant**—It was to ask if we could provide, I think, sit reps and Defence material. That is my recollection, and I have looked at my note taken at the time and I have no further record of the detail. It refers to sit reps and Defence material.

**Senator FAULKNER**—But do you know why Mr Jordana is asking you for this? Is it because of concerns that the reports might have been inaccurate?

**Ms Bryant**—I do not have any recollection of him saying that to me. In my own note I have written ‘Aust’, which I took to mean ‘Australian’. I think with hindsight he may have been referring to a newspaper article that day that may have prompted his query.

**Mr Moore-Wilton**—There was an article in the *Australian* on 7 November.

**Senator FAULKNER**—So this is on the evening of 7 November.

**Ms Bryant**—Yes, that is my involvement with it.

**Senator FAULKNER**—That is fine. And what happens as a result of Mr Jordana from the Prime Minister’s office contacting you? Does he get the sit reps—that is, situation reports—and what else?

**Ms Bryant**—My note says ‘Defence material’.

**Senator FAULKNER**—I do not know what that means, but—

**Ms Bryant**—I cannot recall either, precisely.

**Senator FAULKNER**—Okay. So that request is to you, wearing your departmental hat at that time. That is fair enough. How do you act upon that request?

**Ms Bryant**—My recollection—and I must confess that my recollection is not terribly detailed—is that we searched our files and attempted to locate the material that he had asked for, we made some further inquiries with international, who we thought may have had some of the documents.

**Senator FAULKNER**—When does that happen? That night?

**Ms Bryant**—That is my recollection; yes, Senator.

**Senator FAULKNER**—Is this information provided to Mr Jordana that evening?

**Ms Bryant**—I do not recall that precisely. It may have been, but I do not recall whether we sent him a fax or whether we gave him an answer by phone. My recollection is imprecise on that.

**Senator FAULKNER**—It is pretty important, isn't it?

**Ms Bryant**—I can appreciate that; yes, Senator.

**Senator FAULKNER**—Where do I find that contact mentioned in your report?

**Ms Bryant**—It was not referred to in my report, and I did not recall that contact. I recall the November contact, in the context of Ms Halton's statement, but I would have to check departmental files to ascertain what we did provide to Mr Jordana, because I am working from my own memory at this point.

**Senator FAULKNER**—Why isn't it in the report? I am trying to understand about this pretty important contact. What is Mr Jordana? He is the Prime Minister's international adviser or something, is he? I do not know what his title is; it is something like that. Can someone help me with that? He is a senior adviser in the Prime Minister's office, isn't he?

**Mr Moore-Wilton**—That is right.

**Senator FAULKNER**—International, I think, isn't it?

**Mr Moore-Wilton**—That is right.

**Senator FAULKNER**—I just did not want to offend and get the wrong title. Mr Jordana is the Prime Minister's international adviser. He contacts PM&C on the evening of 7 November, seeking sit reps and Defence material. He possibly—probably—gets that material on the evening of 7 November. We need to know, first of all, whether he did; and, secondly, what he received. It seems to me absolutely crucial in relation to this matter.

**Ms Bryant**—As I say, I am working—prompted by this issue—from my memory, and I would have to go back and check what exactly we did provide him with and see what record we have got of that in the department.

**Senator FAULKNER**—I have to say, on this one, that this is absolutely crucial new information that is not referred to in Ms Bryant's own report about a contact that has been made from the Prime Minister's office on the evening of 7 November. We need to know what was provided, we need to know when it was provided, and we need to look at the Prime Minister's public statements subsequent to that in the light of that information. On this one, I do think it is reasonable—I hope you would agree, Mr Moore-Wilton—that we try and see if we can clear that up this evening. I think it is important new information. I might say—not to be critical of Ms Bryant, because I am not—that this is the point I was making earlier today about the unsatisfactory nature of it. It is not a personal criticism or a professional criticism of Ms Bryant at all, but this is the difficulty with having a report done like this where there is a question about the independence of how you deal with it. I just make that point. I do think this needs to be sorted out, if we can, forthwith.

**Mr Moore-Wilton**—If I can just briefly respond, the department will seek to ascertain the information the senator has requested as quickly as possible.

**Senator FAULKNER**—Thank you.

**Mr Moore-Wilton**—We should be able to provide that later today, after providing it through the minister. Let me say that my understanding, to the extent that Mr Jordana has sought information, he would have sought information that was available within the

department. As I have indicated, my advice is that the only information available within the department did not fundamentally question the advice that was provided—that is, that children had been thrown overboard.

**Senator FAULKNER**—No, I think you have missed the point here, Mr Moore-Wilton. We have heard in evidence that Mr Jordana seeks on the evening of 7 November sit reps and Defence material. He does not seek PM&C views. We have heard how out of the loop PM&C is. I mean, PM&C would not know what day of the week it was, if we are to believe what we have been told.

**CHAIR**—All right, Senator.

**Senator FAULKNER**—No, hang on, it is important. Mr Jordana seeks sit reps and Defence material, undefined. So I can make that point to you, Mr Moore-Wilton. You can understand why Mr Jordana would not be asking PM&C what was happening. You can work that out.

**Mr Moore-Wilton**—Just to clarify the point, so that Senator Faulkner is not in any doubt, my understanding is that what was asked for was the material available within PM&C. I will have that checked.

**Senator FAULKNER**—But how do you know that?

**Mr Moore-Wilton**—Can I just finish the answer? I understand also that what was happening at the time was that inquiries were being made of the Minister for Defence, through the Minister for Defence's office, in regard to Defence material. The department does not seek to duplicate that, and we will clarify this position as to what Mr Jordana asked for and what was provided. I do not think you need to draw any conclusions until you see the material.

**Senator FAULKNER**—No, I am not drawing any conclusions but I am entitled to ask questions, and I have been asking them for a long time and I will continue to bat on. I think we are entitled to some explanation. You seem to be far more well aware of this, Mr Moore-Wilton, than many of the other matters that have occurred. You do not know about the chronology, the footnote or anything else, but you are right across this one. That is terrific.

**Mr Moore-Wilton**—No, I was not aware of this position until we were just told. I told the Senate this before, and I will say it to you again: I was not aware that there was any fundamental reconsideration of the veracity of the advice given by the Department of Defence, initially to the task force, until I read General Powell's report. I was aware that there were, from time to time, queries about it, and those queries were being followed up. Nobody, at any stage, mentioned to me, and neither did I mention to the Prime Minister, that the fundamental advice provided—categorically provided—to ministers had been fundamentally disavowed. That is the point I am making.

**Senator JACINTA COLLINS**—Categorically? It had not been corroborated.

**Senator FAULKNER**—Are you worried that this contact from Mr Jordana on 7 November to the Department of the Prime Minister and Cabinet is not included in Ms Bryant's report? Are you worried about that?

**Mr Moore-Wilton**—I will have to find out the context. That is what I said we will do. I was not aware of it until today; that is the point that I am making. I was aware that Ms Halton and Mr Jordana had a conversation—as they did on a regular basis—to be updated.

**Senator FAULKNER**—Given that Ms Bryant was a first party to this, if you like—and I suppose she is in a unique position to know—this goes to the point about why, given that members of Mr Reith’s staff were contacted in the PM&C inquiry, Ms Bryant thought it was not fit to contact members of Mr Howard’s staff. Perhaps I could ask someone why that was.

**Mr Moore-Wilton**—You could ask Ms Bryant, because I did not instruct Ms Bryant one way or another who she interviewed, as she has already indicated.

**Senator FAULKNER**—No. But this is the one issue that you are right across, Mr Moore-Wilton. I am very impressed. That is terrific. So I thought I may as well ask you.

**Mr Moore-Wilton**—We will provide you with the request in advance!

**Senator FAULKNER**—Anyway, if you cannot help me, no doubt Ms Bryant will.

**Ms Bryant**—I think I responded to that question previously that I—

**Senator JACINTA COLLINS**—You will come back to us.

**Ms Bryant**—In terms of this particular question, about what was provided to Mr Jordana that evening, I will check our files and see if I can locate a record of a fax or something and let you know the content of that advice. In terms of who I interviewed, I responded to that broad question earlier—that, where people appeared to have been provided with information of significance, I spoke to them. The one about Mr Jordana in Ms Halton’s statement at the time, where she reported to him that she had requested checking be done, did not in my mind at the time consist of advice of significance to Mr Jordana in this context.

**Senator FAULKNER**—I am referring here to page 31 of your report, Ms Bryant, on which you gave some evidence a moment ago. In relation to the contact between Mr Jordana and Ms Halton: does this contact occur on or around 9 and 10 October or is this after the event? I am just trying to establish when.

**Ms Bryant**—This contact referred to on page 31 is around 9 or 10 October, yes.

**Senator FAULKNER**—Right. So, if we are to believe what we are told in the House of Representatives today, sometime around 9 and 10 October the head of the government’s People Smuggling Task Force, Ms Halton, is saying to Mr Jordana that the reports of asylum seekers threatening to throw their kids overboard may have been inaccurate.

**Ms Bryant**—I think what my report says is that, in the light of media speculation, Ms Halton requested some checking.

**Senator FAULKNER**—Senator Hill, can I draw your attention to what the Prime Minister has said this afternoon in the House of Representatives. Does what the Prime Minister has said in the House of Representatives refer to contact between Mr Jordana and Ms Halton around 9 and 10 October?

**Mr Moore-Wilton**—I believe that what the Prime Minister said this afternoon in the parliament—and I have just read the *Hansard*—

**Senator FAULKNER**—I do not have the benefit of that; I am sorry I do not. I just have the AAP report.

**Mr Moore-Wilton**—relates to essentially 7 November. But the first time the issue of unsubstantiated points was raised and some checking was being done was 10 October, I think. That is when Ms Halton is supposed certainly to have told Mr Jordana and possibly—I have no recollection, but she may well have—said, ‘There are some queries about children being

thrown overboard. We have been checking them and photos have been released’—which the chronology shows.

**Senator FAULKNER**—And we are now seriously expected to believe that in the ensuing month no-one, from the chair of the People Smuggling Task Force down, actually establishes this—whether these claims are true or not. We are now expected to believe that no-one bothered to find out the truth or otherwise of these claims. That is just amazing.

**Senator Hill**—I do not think that is fair, though, is it?

**Senator FAULKNER**—Of course it is fair.

**Senator Hill**—What has been established earlier in the day is that it was believed that the photos clarified the matter, and that is why further investigations were not carried out. The next time the matter came to light appears to be when that article appeared in the *Australian* on 7 November. And it seems that the PM is talking about that period, because he said that Mr Jordana:

... has indicated to me that he believed that was very late in the election campaign, around the time that press reports appeared concerning those same matters.

**Senator FAULKNER**—That *Financial Review* article is starting to look pretty good, isn't it, in relation to Mr Jordana? It takes a while for the old truth to start to—

**Mr Moore-Wilton**—That is pretty—

**Senator Hill**—I don't—

**Senator FAULKNER**—Well, it is looking pretty good.

**Senator Hill**—I don't know what you mean.

**Senator FAULKNER**—You don't know what I mean?

**Senator Hill**—No.

**Senator FAULKNER**—We have now found out, in the last 15 minutes, that Mr Jordana does contact Ms Bryant on 7 November asking for sit reps and Defence material. We are going to get to the impact that this might have on the ONA report that the Prime Minister manages to use subsequently the next day at the Press Club. We also know there is contact between Mr Jordana—

**Senator Hill**—Hang on. You can check it out, but I think that refers to an earlier ONA report.

**Senator FAULKNER**—Yes, I know. Of course it refers to a much earlier ONA report.

**Senator Hill**—So how is it going to be relevant?

**Senator FAULKNER**—I want to know because we all know that the ONA did not bother correcting the preposterous report that was quoted—regardless of the security classification—by the Prime Minister at the Press Club. We all know that was not corrected until after the election. We also all know it was a load of old codswallop based on ministerial press releases. I want to know if Mr Jordana, the international adviser, senior adviser to the Prime Minister in the Prime Minister's own office, had other material including sit reps and Defence material saying that that is precisely the situation. I think I won't be the only one who is interested.

**Senator Hill**—No. You have said that. The answer has been that efforts will be made to determine what he was provided with. There is no quarrel with that.

**Mr Moore-Wilton**—Senator, you really have made quite an exhilarating leap of connection there, I have to say. Admirable, but exhilarating, in the sense that the information available to the department on 9 and 10 October related to the understandings that you have been provided with—that is: queries raised; queries looked at; photos released; departmental officers took a judgment, rightly or wrongly, not to proceed further.

**Senator FAULKNER**—And Ms Halton speaking to Mr Jordana.

**Mr Moore-Wilton**—Okay—and presumably, since I was not a party to that conversation, conveying that message, however briefly or otherwise, as part of a much broader conversation, I would presume, about what was happening in the task force, which was by far the much more substantive issue: what we were doing with the people.

The second point is that the extent to which this issue then subsequently emerged in the department, as opposed to within the processes of the Defence department, was on 7 November. The information available in the department on 7 November that Ms Bryant or Ms Halton had access to, including sit reps or otherwise, did not query the veracity of the basic information any further than that chronology—

**Senator FAULKNER**—How do you know? Why isn't it in the report, Mr Moore-Wilton?

**Mr Moore-Wilton**—What is in the report, Senator, was that the information—

**Senator FAULKNER**—Because it does not suit.

**Senator Hill**—You cannot say that.

**Mr Moore-Wilton**—You may assume that, Senator, but there is nothing that you have been told today that can give you a factual basis for saying that. And it is offensive—it frankly is offensive.

**Senator FAULKNER**—Why isn't it in the report? Why isn't a contact between the Prime Minister's international adviser, asking for Defence sit reps and Defence material on the evening of 7 November, the day before the Prime Minister's Press Club speech where the lie was reinforced—

**Senator Hill**—A lie was not reinforced.

**Senator FAULKNER**—Why isn't that contact with the department—albeit with Ms Bryant—in the report? What else isn't in the report?

**Mr Moore-Wilton**—Senator, can I say to you again—and let me say it to you again categorically, which is why I take offence at the conclusion you have reached at this stage—that none of the information available within the Department of Defence which casts doubt on the photographs or the basic report was released outside the Department of Defence. It was not released to the Department of the Prime Minister and Cabinet. When Mr Jordana asked for sit reps, the department officials were entitled to give him the task force situation reports which were relevant. They could not give him information they had no knowledge about. And this constant effort to consistently say that the department was aware that the photographs were not of 7 October is not true.

**Senator FAULKNER**—You can bluster and shout as much as you like. I want an answer to my question; I do not want it reinterpreted. Why isn't the contact between Mr Jordana, the Prime Minister's international adviser, and Ms Bryant, who did the report, who is in a unique position to know about it, why isn't that in the PM&C report and what else isn't in the PM&C report? I would like an answer to that question.

**Mr Moore-Wilton**—Ms Bryant told you: she did not think it was relevant. But Ms Bryant is entitled to answer for herself.

**Ms Bryant**—Senator, in the course of preparing the report, my recollection of the conversation with Mr Jordana is, as I have reported to you, very limited, and it was sit reps and Defence material, according to my note at the time. I do not recall in the course of that conversation his raising with me or asking me any questions in relation to children in the water, the accuracy of photos or anything of that nature that caused me to recall the event and think it was relevant to the inquiry.

**Senator FAULKNER**—I appreciate the offer that has been made by the department to provide more information on this issue. I also ask, please, if you can clarify the date of the contact between Mr Jordana, the Prime Minister's international adviser, and Ms Halton which has led the Prime Minister to make the statement he has made in the House of Representatives question time today. That would also be appreciated, and it may need to be done over the break. If that could be provided, I, for one, would appreciate it. We will take it from there when we have more information about the nature of the material provided or not provided, or where it was provided from and when it was provided, and many other questions that are raised as a result of it. But it still begs the question of what else is not in the report.

I repeat: this is not a criticism of the officer at the table, Mr Moore-Wilton. But when you have a more junior officer—not a junior officer, but a more junior officer—in any department reporting on very sensitive matters and the actions of immediate superiors, inevitably people are going to question the independence of such a report, whether or not a draft has been provided to you, which is what occurred in this case.

**Mr Moore-Wilton**—Could I just ask that you clarify that last point? I thought the substantive point was the fact that the officer was involved in the task force. Are you now saying that there was a question about the fact that I have changed the nature of the officer's report?

**Senator FAULKNER**—No, I am not saying that.

**Mr Moore-Wilton**—I think it was made crystal clear before that I did not interfere with the report in any way.

**Senator FAULKNER**—We have heard evidence about that.

**CHAIR**—I do not think that was being suggested.

**Senator FAULKNER**—I am not suggesting that for a moment. The draft was provided to you and the Australian Government Solicitor. That was evidence that we heard some hours ago, Mr Moore-Wilton.

**Ms Bryant**—Can I raise a point of clarification here, Senator?

**Senator Hill**—I have the transcript from question time, and it is a bit difficult to be answering these questions without clarifying with the person—

**Senator FAULKNER**—Minister, perhaps I can just interrupt you and suggest that I do not have that. I have an AAP report, and I have made that clear.

**Senator Hill**—Yes.

**Senator FAULKNER**—When I get the green, I am more than happy to base my questioning on that. I do not have it. I have an AAP report, which I am happy to give you a copy of.

**Senator Hill**—The implication, as I read it, is the contact, which is only stated to be ‘or perhaps by Jane Halton in Prime Minister and Cabinet was very late in the campaign around the time that press reports appeared concerning those same matters’. So it would seem to be around 7 November or later. But we can refer that to the Prime Minister and see whether he can add anything further to clarify.

**Senator FAULKNER**—This is what I am interested in understanding, Senator Hill. My question is a departmental process question, and it is very clear: can you tell us the date or dates and nature of the contact on this matter between Mr Jordana and Ms Halton?

**Senator Hill**—Yes, I understand that.

**Senator FAULKNER**—In other words, what appear to be the efforts of either Mr Jordana or Ms Halton. Someone, either Ms Halton or Mr Jordana, has sought to provide some information about rumours about the question of kids overboard.

**Senator Hill**—The Prime Minister—

**Senator FAULKNER**—I do not think it is clear to me from what I have gathered or from what you have read, frankly, is it?

**Senator Hill**—No. That is why I have said that we are prepared to seek a clarification.

**Senator FAULKNER**—Thank you.

**Senator Hill**—The PM seems to be talking about what Mr Jordana told him, so I need to go back to the PM. Whether I can get that response tonight, I am not sure, because I do not know what the PM’s commitments are.

**Senator FAULKNER**—It is pretty important, I think, Senator Hill, and so I think you should make some valiant efforts to do so, if you can. We know that Ms Bryant in the development of her report does not talk to any staff in the Prime Minister’s office. I think that is right, isn’t it, Ms Bryant?

**Ms Bryant**—That is correct. Senator, may I also clarify one thing. In your immediately preceding remarks, you referred to my having provided the draft report to Mr Moore-Wilton. My colleagues reminded me over the break—and I did not want to mislead you—that that was an exhaustive list of who saw the draft report: the Government Solicitor and Mr Moore-Wilton. I recall that Ms Philippa Lynch, who is the Assistant Secretary, Legal and Culture, attended with me at the meeting with the Government Solicitor and also saw it at that time; as I think did Mr Henderson, in his capacity as acting secretary, in early January, see an earlier draft than I had shown to Mr Moore-Wilton. He made some helpful suggestions to me about the need to structure it with an executive summary and a contents page, which I did not have at the time.

**Senator FAULKNER**—Thank you. I appreciate that clarification, Ms Bryant, and I am sure the committee does too. You did talk to the ministerial staff of both Mr Reith and Mr Ruddock. That is my memory. I think you can confirm that, Ms Bryant?

**Ms Bryant**—Yes, that is correct.

**Senator FAULKNER**—Regarding the status of the ministerial staff, were any of them departmental liaison officers or Defence escort officers, as opposed to—very honourable—political ministerial advisers? I am drawing a distinction between the two types of ministerial staff.



**Ms Bryant**—I believe that Mr Hampton was Mr Reith's media adviser. I believe Mr Hendy was his chief of staff. I recall that Mr Scrafton said at the time I spoke to him that he was more in the nature of a departmental liaison type officer or adviser. I think that was his status at the time. I believe Mr Ingram was Mr Ruddock's media adviser.

**Senator FAULKNER**—Of those four staffers, Mr Scrafton was the only—

**Senator Hill**—I will check that too because I said this morning that Mr Scrafton was not, at any of the relevant times, a departmental liaison officer. That is still my understanding, but I will check that.

**Senator FAULKNER**—Did you say he was or was not a departmental liaison officer?

**Senator Hill**—Was not.

**Senator FAULKNER**—So he was, if you like, MOPS staff. That is the distinction I am trying to draw. We understand that—MOPS staff and non-MOPS staff.

**Senator Hill**—I will have to seek clarification as to exactly what Mr Scrafton was. He goes right back.

**Ms Bryant**—I am basing my answer on his comment to me at the time I interviewed him. He said he was not actively campaigning as part of the process—that is, he was not actively involved on that front. I may have drawn an incorrect conclusion. It is worth checking.

**Senator Hill**—It is easy enough to check the basis of his engagement in the office. That is news to me. It is somewhat surprising, and inconsistent with what I have been told to date.

**Senator FORSHAW**—You can check that. Whether Ms Bryant's understanding is correct or not—

**Senator Hill**—She has reported the way he described his role.

**Senator FORSHAW**—her understanding might be one more piece of evidence in this whole saga.

**Senator Hill**—What we are trying to do is answer Senator Faulkner's questions as to who were DLOs and who were employed under the MOP(S) Act.

**Senator FAULKNER**—I was trying to check in relation to the ministerial staff issue. You appreciate the difference. I use the term 'escort officer' but I might be way off. That is what they used to be called in my day, which is a long time ago, I might add.

**Senator Hill**—It will come again.

**Senator FAULKNER**—Is that still right?

**Senator Hill**—They are either DLOs, escort staff or employed under the MOPS Act.

**Senator FAULKNER**—That is right. There are uniformed ADF staff—or at least one, usually attached to the minister's staff—DLOs and MOPS staff. All we are trying to do is find out who is who in the zoo. The only ministerial staffer that appears to have spoken to the Prime Minister directly was, I think, Mr Scrafton. Is that right?

**Ms Bryant**—That is my recollection.

**Senator FAULKNER**—I think you spoke only to Mr Reith; you did not speak to Mr Ruddock.

**Ms Bryant**—That is correct. And I did not interview any ministers directly. I only did it in the natural justice process with Mr Reith.

**Senator FAULKNER**—I understand. Did you use the same approach with ministerial staff as you did with departmental staff and the ADF?

**Ms Bryant**—With all the people I interviewed, I gave them an introductory letter which described the processes I proposed to follow. I think that letter is included as an attachment to my report.

**Senator FAULKNER**—It is.

**Ms Bryant**—I gave them that kind of advice and let them sign the Prime Minister's letter to be assured that it was an appropriate inquiry. As I said before, I did have a note-taker present for all interviews. I did write up a record of the interviews and I did send them back to individuals and asked them to sign them.

**Senator FAULKNER**—Okay. Thanks for that. There were, I think, three different categories of witness. I think that is right: you had three different categories?

**Ms Bryant**—Are you referring to the fact that I worked off written documents only for some—

**Senator FAULKNER**—Yes.

**Ms Bryant**—Yes, I guess in a broad sense that is right. Some I only interviewed, some I had both a written statement and an interview, and some I had written statements only.

**Senator FAULKNER**—So there are those you get only written statements from, from the Defence routine inquiry; there are those who have written statements and interview with you; and those who have interview with you only. Those are the three categories I mentioned. You can say to the committee that not one of the witnesses, from any of those categories, informed you that they had informed the Prime Minister or the Prime Minister's office that either: one, there was no truth to the 'children overboard' issue; or, two, the photos were not of children thrown overboard?

**Ms Bryant**—Sorry; can you give me the two parts of your question again?

**Senator FAULKNER**—I know it is a bit complex, but I think there are two separate issues here. I was going to the issue of whether you could satisfy this committee that none of the witnesses informed you that they had informed the Prime Minister either that there was no truth to the 'children overboard' issue or that the photos were not of children thrown overboard.

**Ms Bryant**—I would like to check through the witness statements, Senator, but I do not recall anyone telling me that they had told the PM that there was no truth to the overboard story. As for the photos, I confess my recollection is a little imprecise and I would like to check.

**Senator FAULKNER**—I think it is better for us to be clear on that. That is fine if you would not mind doing that. You might be able to do that over the break.

**Mr Moore-Wilton**—Mr Chairman, just one point of clarification. Just to be absolutely clear, Senator Faulkner, you are saying: is there anything in either the report or in the witness statements which would indicate that any one of those witnesses told the Prime Minister or his office that the 'children overboard' was incorrect and the photos were incorrect.

**Senator FAULKNER**—Not that the photos were incorrect. They are correct inasmuch as they were not bodgied up, but you know what I mean. My point about the photos is that officials did know they did not relate to a 'kids overboard' incident. That is a different point.

**Mr Moore-Wilton**—We will check both of those things. I think it is clear on the written statements, if you look at them, that the Prime Minister or his office was not told in regard to the former. In regard to the latter, I think there was communication between Minister Reith's office and the Prime Minister's office in regard to issues relating to the photographs as regards the timing of that, and we will need to check.

**Senator Hill**—That is what the PM seems to have said in question time today.

**Senator FAULKNER**—I have literally just had the *Hansard* green handed to me, which I have not yet read.

**Senator Hill**—Mr Jordana did tell me that he believed he may have been told by someone in the former Defence Minister's office and perhaps by Jane Halton in PM&C that there were unsubstantiated rumours in Defence regarding the juxtaposition of the dates on the photograph.

**Mr Moore-Wilton**—And that is something, of course, which the Prime Minister discussed with Mr Scrafton, I think.

**Senator FAULKNER**—I am sorry, I missed that, Mr Moore-Wilton.

**Mr Moore-Wilton**—I am sorry, the video; I am not sure whether we are talking about the photos.

**Senator FAULKNER**—I did not hear any of that.

**Mr Moore-Wilton**—We will check the material, Senator.

**Senator FAULKNER**—Thank you. Will you be able to come back to us after the break on those issues that have been left in abeyance?

**Senator Hill**—You can check the material.

**Mr Moore-Wilton**—We will have to check with the Prime Minister.

**Senator Hill**—The PM's stuff concerning his office needs to be checked with him.

**Senator FAULKNER**—Our excellent chairman has organised quite a long dinner break. I am not critical of that, but—

**CHAIR**—It is a standard dinner break, Senator Faulkner.

**Senator FAULKNER**—I am sorry, a standard dinner break, which is nevertheless quite long. I thought there might be time to establish that over the break.

**Senator JACINTA COLLINS**—Part of that question relates to Ms Bryant checking statements to see whether any referred to either of those two propositions—and that is a component of this question. The issue I want clarified in relation to Ms Bryant's looking at the questions is that Senator Faulkner's question is not the proposition that Mr Moore-Wilton likes to use which is that 'We do not have proof that children were not thrown overboard'. The question is 'Was a question raised about the veracity of the claim that children were thrown overboard?'

**Senator Hill**—You are talking about contact with the PM's office?

**Senator JACINTA COLLINS**—No. I am talking about Senator Faulkner's question. In part, that was: did any of the statements that Ms Bryant had access to involve an indication that the person, or some other person, made contact with the PM or the PM's office, indicating that the kids overboard incident did not happen? I am saying that the test of truth there is not

Mr Moore-Wilton's test, which is 'with all due respects, prove that pigs do not fly'; it is that there was some serious question over that matter.

**Senator Hill**—I think that was the first part of Senator Faulkner's question.

**CHAIR**—It is only iterative, anyway.

**Senator Hill**—And a very Irish logic.

**Senator FAULKNER**—What is the answer?

**CHAIR**—Is it clear, Ms Bryant?

**Senator JACINTA COLLINS**—I think Ms Bryant understands what I am indicating there.

**Ms Bryant**—I think I responded previously—and, again, I will check—certainly with respect to the first point raised about the veracity of the original story of children being thrown overboard that I can recall no evidence at all that suggested that the PM or his office had ever had doubts about veracity raised with them. In terms of the photo, my recollection, I have to say, is less precise and I would like to check. But I am a little unclear, as I am hearing new things bearing on my recollections from the time.

**Senator JACINTA COLLINS**—I am simply reinforcing, Ms Bryant, that the test that will interest this committee is not that we do not have proof that the children were not thrown overboard. Thank you.

**Senator FAULKNER**—The full disc, or what I think is the full disc, of these photographs that we were talking about earlier, which have turned out to be photographs of the full SIEV4 episode, if you like: do you know whether they were made available to the Prime Minister's office or the Department of the Prime Minister and Cabinet?

**Ms Bryant**—To my knowledge, they were not made available to the Prime Minister's office or to the Department of the Prime Minister and Cabinet. I understood that they were held on the *Adelaide* and may have formed part of an evidence pack passed to the AFP. But that is my understanding. I have no knowledge of them being certainly received in the department or in the Prime Minister's office.

**Senator FAULKNER**—Thank you for that. Mr Chairman, I want to move on to something else that is closely associated with this.

**ACTING CHAIR (Senator MURRAY)**—Before you do, is there anybody else on this particular topic? Senator Collins?

**Senator FAULKNER**—We certainly would like to come back to this if this information is made available by Senator Hill. Before we leave it, I am hoping that Mr Henderson is still planning to table the information we talked about earlier.

**Mr Henderson**—It is available now, Senator, and there is one other. At the very beginning of questioning this morning on this topic, I gave you an assurance that we would retain telephone records that are presently in existence. There was a question you put to us as to when they started. The answer is that they are available from July 1999 and they will be retained.

**Senator FAULKNER**—Thank you very much.

**Senator Hill**—I think also you were asked a question about whether there was any contact between the PM's office and—

**ACTING CHAIR**—Before we proceed, perhaps we can formally accept this document into the committee's proceedings. It is titled 'Independent inquiry into circumstances surrounding the arrival of suspected illegal entry vessels near Cairns, North Queensland, and Nambucca Heads, New South Wales, March/April 1999'. It is a document comprising five pages.

**Senator Hill**—I do not think it is particularly relevant to the line of inquiry, but just to ensure a complete record—

**Mr Moore-Wilton**—Before lunch, I think Senator Faulkner asked whether any officer of the Department of the Prime Minister and Cabinet had had any direct contact with Defence assets. We said that we would take that on notice. We are still following that through. I said I was not aware of any.

**Senator FAULKNER**—I thought you said no, but you are probably right.

**Mr Moore-Wilton**—We have checked. We have found one contact, but we are still searching. I am told that a Commander Stefan King, who was attached to the International Division of the Department of Prime Minister and Cabinet—and he is a naval commander—directly contacted the commanding officer of HMAS *Manoora* by telephone to convey to him directly the Prime Minister's letter of commendation to the crew.

**Senator FAULKNER**—That is good, thank you, I am pleased he did. Anyway, if there are any other incidents, let us know. I think my question also went to the Prime Minister and the Prime Minister's office, as you would probably recall. Thank you for that. I want to ask some questions that are associated to the matter we have been discussing, and so this probably falls into what I think is 1.2. I would be interested to know some brief detail on a matter relating to this division. I gather that Mr Howard met with the Prime Minister of Papua New Guinea during the Shanghai APEC meeting. I wonder whether you could confirm that, please.

**Mr Moore-Wilton**—Yes, I can confirm that there was a bilateral meeting with Sir Mekere Morauta and the Prime Minister.

**Senator FAULKNER**—For the benefit of the committee, could you very briefly outline what the purpose of that meeting was?

**Mr Moore-Wilton**—I would have to read the note of the meeting, but the Prime Minister makes it his practice generally when he is at international meetings where Sir Mekere Morauta, the Prime Minister of Papua New Guinea, is present to have a discussion. I think on this particular occasion that Sir Mekere asked for the bilateral meeting, but it is quite normal for the Prime Minister to have a discussion with Sir Mekere, given the closeness of the two countries.

**Senator FAULKNER**—I appreciate that. Is it true that the Prime Minister and Mr Morauta came to a—

**Senator Hill**—Matters relating to their discussions would need to be referred to the Prime Minister.

**Senator FAULKNER**—I am only talking about outcomes, Senator Hill. I think it is a matter that goes directly to the estimates of this department, I think you will find.

**Senator Hill**—Okay, a question on outcomes.

**Senator FAULKNER**—My question goes to whether there was an agreement about PNG detaining boat people and a discussion and agreement about the costs of that.

**Senator Hill**—There is certainly an agreement with PNG under which they are assisting us with the illegal entry matters.

**Senator FAULKNER**—Yes, but is it true that there are two elements to this: a price for the agreement, on top of Australia picking up the costs of holding and processing the asylum seekers?

**Senator Hill**—I do not know what we have said in the case of PNG.

**Mr Moore-Wilton**—I would need to get clearance for details of the Prime Minister's discussions, but I can advise you that there is no collateral agreement with Papua New Guinea which is linked to the agreement between Australia and the government of Papua New Guinea to process asylum seekers in Papua New Guinea. There is no directly related collateral agreement, which I think is the purpose of your question.

**Senator FAULKNER**—Was an amount settled on in the discussions at Shanghai?

**Senator Hill**—I do not know that—

**Senator FAULKNER**—This goes directly to the estimates.

**Senator Hill**—I am not quarrelling with your right to know whether there is an agreement for Australia to pay costs or meet financial obligations that arise out of our request to PNG and those figures, clearly, can be made available, but I would get uncomfortable with relating it to any discussions that may have taken place between the PM and—

**Senator FAULKNER**—I think you would agree, Senator Hill, that my questioning, as usual, is sensitive on these issues. I have a very fine record in that regard.

**Senator Hill**—I am not sure whether it is quite as sensitive as sometimes is the case. I think you are trying to draw from us—

**Senator FAULKNER**—I have a very good record in that regard and I think you can afford to be generous and say so.

**Senator Hill**—It is not appropriate for us to go into the discussions between the two PMs.

**Senator FAULKNER**—I am interested in the outcomes—

**Senator Hill**—But on the issue of an agreement with PNG over the costs of providing for the asylum seekers, I see no reason why you should not be given that.

**Senator FAULKNER**—This is not about the costs of holding and processing asylum seekers—I do not think it is, anyway. My question goes to whether there was an agreement for an amount of money above and beyond that which was settled and agreed at the Shanghai meeting.

**Senator Hill**—Mr Moore-Wilton says that there was no collateral agreement.

**Mr Moore-Wilton**—Senator, I can be quite explicit that for the agreement negotiated between Australia and the government of Papua New Guinea the negotiations took place in October well before any meeting between the two prime ministers in Shanghai in November. It was approved by both the cabinet of Papua New Guinea and the cabinet of Australia in October. The agreement was quite explicit that it related only to the necessary costs for establishing and processing a camp at Manus Island. It was quite clear in the statements made by Sir Mekere Morauta in Papua New Guinea—I would have to check the record—that this agreement was quite specific and that all costs would be met by the government of Australia, and that is my understanding.

**Senator FAULKNER**—The *Sydney Morning Herald*, for example, ran an article on Friday, 18 January this year which, in part, states:

In late October, the Prime Minister, John Howard, pledged \$20 million for PNG's defence force. Almost \$30 million in aid has been promised to Nauru to hold 1118 asylum seekers.

So there is that \$20 million for PNG's defence force, for example.

**Senator Hill**—That is to do with the rationalisation, isn't it?

**Mr Moore-Wilton**—I can answer that—again, quite explicitly, Senator—because I was involved in the discussions. Discussions had been taking place for quite some time—in excess of 12 months—on how Australia might assist the reform and rationalisation of the Papua New Guinea defence force. It has been a matter under consideration by the National Security Committee of cabinet. I think during the early part of 2001—it may have been earlier—the National Security Committee authorised the Department of Defence to enter into negotiations to support the Papua New Guinea defence force reform and basically agreed to an amount of money of the order that you have alluded to. These discussions with Papua New Guinea took place on a number of official visits to Papua New Guinea. It happened, in fact, on the day the Secretary of the Department of Defence, the Australian High Commissioner to Papua New Guinea and I were to finalise those details that, subsequent to that, I specifically told my opposite number in Papua New Guinea that we were having a serious problem with unauthorised arrivals and asked if I could raise that issue with him. At no stage were the two issues linked, and the authorisation of the Australian government to provide support to Papua New Guinea for defence reform and cooperation was agreed months before the issue of asylum seekers was raised.

**Senator FAULKNER**—Thank you. I appreciate that helpful information. In general, were any decisions made on the aid budget to PNG during the caretaker period?

**Mr Moore-Wilton**—I would have to check the records. I know there was a bilateral discussion with a delegation at around the same time for assistance that could be provided by way of certain aid projects. That was handled by senior AusAID officials. I think agreement was reached, but I do not know.

**Senator FAULKNER**—Was this done in the margins of the APEC meeting?

**Mr Moore-Wilton**—No. Again, I would have to check, but I think it was in October. It was out of the existing AusAID budget.

**Senator FAULKNER**—Out of the existing AusAID budget?

**Mr Moore-Wilton**—It was reprioritising at the request of the Papua New Guinea government.

**Senator FAULKNER**—That is a diversion of the existing budget; it is not new money. Is that what you are saying?

**Mr Moore-Wilton**—Yes, that is what I am saying.

**Senator FAULKNER**—When did that occur?

**Mr Moore-Wilton**—I would have to check the records, but I think the Papua New Guinea government indicated that they hoped we would give sympathetic consideration to some reprioritising, and AusAID looked at that. The Department of the Prime Minister and Cabinet and DFAT supported the general thrust, on the basis that the Morauta government was seeking to apply economic reforms. I think an agreement was reached between AusAID and the

relevant authorities in Papua New Guinea subsequently to reprioritise certain existing aid funds.

**Senator FAULKNER**—That is helpful. I am trying to understand whether those decisions were made and agreed during the caretaker period.

**Mr Moore-Wilton**—I think the answer to that is no, but we will check for you.

**Senator FAULKNER**—So the meeting in APEC between the Australian Prime Minister and the PNG Prime Minister was not relevant to those outcomes—the reprioritisation of the AusAID budget?

**Mr Moore-Wilton**—As I say, as a matter of principle I would not wish to comment on the content of the meeting unless the Prime Minister specifically agreed, since it was his meeting. All I can say to you is that the reprioritisation of aid, as an issue, was discussed before the APEC meeting and agreement in principle was reached. Whether projects were actually then subsequently implemented during the caretaker period of course does not really impinge on the conventions.

**Senator FAULKNER**—But this is why the timing is important. It is crucial to know whether those decisions were agreed and acted upon during the caretaker period. That is the point of my questioning.

**Senator Hill**—What do you mean: acted upon?

**Senator FAULKNER**—I am keen to understand and be reassured that there was no breach of the caretaker conventions in relation to this. It is quite obvious why I was asking it, but if I have to spell it out—

**Mr Moore-Wilton**—My understanding is this falls within the responsibility of the ministers for foreign affairs and trade.

**Senator FAULKNER**—No, not if it is an outcome of a meeting between the Australian Prime Minister and PNG's Prime Minister during the election campaign.

**Mr Moore-Wilton**—I am just saying to you: there was no outcome from that meeting. It was an exchange of views. There was no outcome from that meeting.

**Senator FAULKNER**—Can you guarantee to the committee that a dollar amount was not finalised at a meeting between Mr Howard and the Prime Minister of PNG at APEC?

**Mr Moore-Wilton**—I am just telling you I cannot comment on what was discussed at the meeting. That is a matter for the Prime Minister. I am not trying to be obstructive. It is just a matter of principle.

**Senator FAULKNER**—What was the reason for the reprioritisation request?

**Mr Moore-Wilton**—A request from the government of Papua New Guinea on the basis of their on the ground judgment as to what would be an effective way of spending it. For example, some of the road programs were adjusted; I think some additional money was provided for police resources; all of which related to the extremely difficult economic situation which Papua New Guinea faces.

**Senator FAULKNER**—Sure, I accept that. But when did that request come through?

**Mr Moore-Wilton**—As I say, as far as my knowledge is concerned, I think the request was made in October, but I would have to check it. I just had not come prepared.

**Senator FAULKNER**—It is quite possible, then, it is in the caretaker period, isn't it?



**Mr Moore-Wilton**—No. It did not occur in the caretaker period. I can tell you any discussions I had—

**Senator FAULKNER**—Most of October is in the caretaker period, isn't it?

**Mr Moore-Wilton**—This did not occur in the caretaker period.

**Senator FAULKNER**—Well, when did it occur?

**Mr Moore-Wilton**—I said I will get you advice.

**Senator FAULKNER**—I would appreciate that and I would appreciate understanding or being told what the amount of funds being diverted, or reprioritised, from the AusAID budget would be. Diverted: is that the right terminology to use?

**Mr Moore-Wilton**—I do not know what the actual outcome was. What I am saying to you, Senator, is I will need to go and refresh my memory. The caretaker period is quite specific. It relates to new policy initiatives of the government. My understanding—and as I say I am not sure of the timing—is that if it was a reprioritisation of funds that had already been provided for and approved that would not fall within the caretaker conventions. That is purely administrative.

**Senator Hill**—Not for the funding of one project instead of another, I would have thought.

**Mr Moore-Wilton**—That is right. It is not a caretaker convention issue. It is not a new one. It is not new policy.

**Senator FAULKNER**—Hang on; I am sorry about that: it commits any incoming government. Did you seek any advice on that?

**Mr Moore-Wilton**—I certainly had advice on the caretaker conventions, and existing programs are not—

**Senator FAULKNER**—These are not existing programs. These are changed programs.

**Mr Moore-Wilton**—No. In terms of what is defined by a program for the caretaker convention, it falls within existing policy and programs. That is my understanding, but I will get advice on that.

**Senator FAULKNER**—Thank you. Do you know what the amount of money involved for the reprioritisation request would be?

**Mr Moore-Wilton**—As I said to you, I will have to get advice.

**Senator FAULKNER**—Does the figure \$34 million ring a bell?

**Mr Moore-Wilton**—No bells are ringing. I will have to get advice.

**Senator Hill**—I hope some bells are ringing. Not that bell?

**Mr Moore-Wilton**—No, not many. It does not ring my bell.

**Senator FAULKNER**—There is no link between reprioritisation and the decision by PNG to take asylum seekers, I assume?

**Mr Moore-Wilton**—My understanding—and it is quite explicit—is that the agreement between the governments of Australia and Papua New Guinea in respect of asylum seekers stood alone, and both governments confirmed that point at the time.

**Senator FAULKNER**—Was PM&C involved in a range of meetings in advance of the Prime Minister's trip on the preparation for these discussions on this issue?

**Mr Moore-Wilton**—Prime Minister and Cabinet takes prime responsibility for the preparation of the Prime Minister's briefing for his overseas visits.

**Senator FAULKNER**—Were there specifically meetings organised under the auspices of PM&C to discuss this particular issue?

**Mr Moore-Wilton**—As I said to you, I believe that the request for a bilateral meeting with the Prime Minister of Papua New Guinea came from the Prime Minister of Papua New Guinea, but I will have to check that.

**Senator Hill**—That would not matter anyway. I cannot imagine an APEC meeting where the two of them would not meet together. That is one of the benefits of APEC.

**Senator FAULKNER**—I just want to be satisfied, Senator Hill, as I am sure you would, that there is no breach of the caretaker conventions here. I think you would agree that that is an important issue, wouldn't you?

**Senator Hill**—Complying with the caretaker provisions is important.

**Senator FAULKNER**—Yes. Thank you. Do you know if those payments have been made yet?

**Mr Moore-Wilton**—It is not my or the department's responsibility to monitor the foreign aid budget administration.

**Senator FAULKNER**—I see. Would you just report back to us on the time lines in relation to this. What I am trying to understand is what the implications of this might be, particularly whether there are any implications for the provisions of the caretaker conventions, what is the nature of any agreement that might have been reached and what the impact of the reprioritisation might be. In other words, what are the new priorities?

**Mr Moore-Wilton**—As I say, we can get that from the Department of Foreign Affairs and Trade, I imagine. We will have to ask them for it. We do not keep that detail.

**Senator FAULKNER**—But you were pretty involved in this, weren't you?

**Mr Moore-Wilton**—Only in the sense that we had discussions with representatives of the Papua New Guinea government where they indicated what their priorities were.

**Senator FAULKNER**—When did those discussions take place?

**Mr Moore-Wilton**—As I say, to the best of my recollection, one of the discussions took place some time in early October, but I will have to check it.

**Senator FAULKNER**—Okay. But when were they finalised?

**Mr Moore-Wilton**—I think it was then left to AusAID and the High Commission in Papua New Guinea to finalise the details within the parameters agreed, as would be normal.

**Senator FAULKNER**—So the agreement took place in early October and it was not done on a minister to minister or Prime Minister to Prime Minister basis?

**Mr Moore-Wilton**—As I say, I will have to go and check my recollections but, as I understand it, it was raised at senior official level, including our High Commissioner to Papua New Guinea—representing the Minister for Foreign Affairs—and the Chief Secretary of the Papua New Guinea government and the Treasurer, I think, of the Papua New Guinea government, who is not a politician but who is an official. It was reported back to ministers through the Minister for Foreign Affairs and to the Prime Minister in the normal way.

**Senator FAULKNER**—I just want to be satisfied that decisions were not made here that might bind an incoming government. Obviously during caretaker periods governments are not able to enter into major contracts or undertakings, as you, I do not doubt, appreciate.

**Mr Moore-Wilton**—My understanding is that the caretaker conventions were strictly applied but, again, I will get proper advice in that regard.

**Senator FAULKNER**—If you could, I would appreciate it. If these funds were diverted during the caretaker period—they couldn't be diverted through the caretaker period, could they, because that would require a prime ministerial or a ministerial decision.

**Mr Moore-Wilton**—I cannot speculate, because I just do not have that depth of information as to what has happened. I will have to get advice.

**Senator FAULKNER**—Do you know if a written agreement was signed in Shanghai on these matters?

**Mr Moore-Wilton**—I do know that there was no agreement signed in Shanghai. It was a discussion between prime ministers.

**Senator FAULKNER**—I think there is an MOU that governs the operation of Manus Island.

**Mr Moore-Wilton**—There is. It is a freestanding MOU. It was agreed to by the Papua New Guinea cabinet and the Australian government.

**Senator FAULKNER**—And that governs the trust fund arrangements and the like, does it?

**Mr Moore-Wilton**—I have not seen the actual agreement. I was only involved in the negotiation of the broad principles. The task was given to the Australian High Commissioner to Papua New Guinea and the Papua New Guinea government to work through, and I believe they carried that out to their mutual satisfaction.

**Senator FAULKNER**—All right. If you could respond to the elements of this that you have taken on notice, I would appreciate it, and we might follow it through at a later stage. That was the matter that might have had some overflow into this division. I was not sure whether it was international division or immigration and social policy, to be honest. Which division is it, by the way, that deals with this?

**Mr Moore-Wilton**—The international division. But there is never an absolutely clean distinction between many of the issues that the department handles. They have both broad policy and international ramifications. But this was principally the international division.

**CHAIR**—Are there any further general questions?

**Senator FAULKNER**—I was going to ask: did the Department of the Prime Minister and Cabinet nominate anyone for a Public Service medal?

**Mr Moore-Wilton**—Should I answer this, Minister?

**Senator Hill**—What was the question, sorry?

**Mr Moore-Wilton**—The senator asked: did the Department of the Prime Minister and Cabinet nominate anyone for a Public Service medal. I can answer the question.

**Senator Hill**—Why wouldn't you want to answer?

**Mr Moore-Wilton**—Since it is a completely new issue. Since it does relate to the private process of nomination of people for honours—

**Senator Hill**—Is it normally said who nominates? I do not know how these Public Service medals work.

**Mr Moore-Wilton**—Normally it is not debated person by person, but I can say, because I am a member of the committee—

**Senator Hill**—The one that considers it or the one that makes recommendations?

**Mr Moore-Wilton**—The one that makes recommendations. It is chaired by the Public Service Commissioner, of course, so it is properly within their responsibility, but I can say that the heads of agencies are asked to nominate candidates. The Department of the Prime Minister and Cabinet did nominate a candidate early in the course of 2001—it might have been late in 2000—and the nomination went forward.

**Senator FAULKNER**—So the nomination occurs in late 2000 and 2001 for what set of honours?

**Mr Moore-Wilton**—The process is governed by the timelines of Government House. So for the last set of honours—

**Senator FAULKNER**—The last honours, you might recall, were made public, as is normal, on Australia Day this year.

**Mr Moore-Wilton**—Yes. Mr O'Neill can answer the question.

**Mr O'Neill**—Relating to the announcement on Australia Day 2002, that was considered by the Public Service Medal Committee in September 2001.

**Senator FAULKNER**—So the names that progress forward are determined in September 2001?

**Mr O'Neill**—Yes.

**Mr Moore-Wilton**—And of course the nominations are developed well before that. When were the nominations developed?

**Mr O'Neill**—The nominations were developed during 2001, with the final ones being put in during August for consideration during the September meeting.

**Senator FAULKNER**—And what about the citations? The citations are finalised at the same time, are they?

**Mr O'Neill**—They are finalised following the meeting. As you appreciate, this is a meritorious award, so it is highly competitive. It is after the consideration of the committee that the citations are finalised.

**Senator FAULKNER**—Say that again.

**Mr O'Neill**—Being a meritorious award, it is highly competitive, so of course there are more people going for the award than there are awards given. It is after the meeting of the Public Service Medal Committee that the citations are finalised.

**Senator FAULKNER**—Who is on the Public Service Medal Committee?

**Mr O'Neill**—It consists of the Public Service Commissioner, the Secretary to the Department of the Prime Minister and Cabinet, the head of Centrelink and two external appointments—one is a senior partner of PricewaterhouseCooper; the other one was the head of the New South Wales Chamber of Commerce.

**Senator FAULKNER**—Do you know a precise date when this is finalised?

**Mr O'Neill**—The recommendation by the Minister Assisting the Prime Minister for Public Service Matters, Dr Kemp, made the recommendation to the Governor-General on 27 September 2001.

**Senator FAULKNER**—So it is Dr Kemp who writes to the Governor-General?

**Mr O'Neill**—Yes.

**Senator FAULKNER**—The office of the Governor-General was not 100 per cent sure about that, but he was not one of the options that we were given.

**Mr O'Neill**—The advice is given to the minister by the Public Service Commissioner.

**Senator FAULKNER**—Do you call for nominations?

**Mr O'Neill**—Nominations are sought from departments.

**Senator FAULKNER**—Sought from departments?

**Mr O'Neill**—Yes.

**Senator FAULKNER**—And agencies?

**Mr O'Neill**—Yes. I would guess about 130 agencies. The ABC and the Special Broadcasting Service right through to the Audit Office and departments. It excludes Defence—uniformed personnel of Defence.

**Senator FAULKNER**—So in the case of Ms Halton's medal, this would be judged on her contribution to the Public Service in the year leading up to 27 September 2001?

**Mr O'Neill**—'Outstanding service' is the criterion. There are two components of outstanding service. One is some significant project; the other is sustained service. In the case of Ms Halton, she was heading the office of ageing, she was with that department, she then came across to the Department of the Prime Minister and Cabinet. There was welfare reform and her involvement with the task force.

**Mr Moore-Wilton**—I should say that, since I made the nomination, the proposal for nomination was made significantly in advance of the task force operations.

**Senator JACINTA COLLINS**—This particular task force?

**Mr Moore-Wilton**—Yes.

**Senator FAULKNER**—You mean the asylum seekers task force?

**Mr Moore-Wilton**—Yes. The nomination was largely based on her work—

**Senator FAULKNER**—I appreciate that. Are you suggesting that you would not have made the nomination—

**Mr Moore-Wilton**—I am not suggesting anything; I am just providing you with a fact.

**Senator FAULKNER**—Why are you providing me with that fact?

**Mr Moore-Wilton**—To assist you.

**Senator FAULKNER**—It sounds as though you might be on the same wavelength as me, for once.

**Mr Moore-Wilton**—That would be rare, Senator.

**Senator FAULKNER**—What does that mean—that it was made prior to the—

**Mr Moore-Wilton**—I am just saying that the time lines, and the point—

**Senator FAULKNER**—Are you saying that Ms Halton would not have got the medal if recent events had been known at the time?

**Mr Moore-Wilton**—She may have received two, if it were possible, Senator!

**Mr O'Neill**—I think the point that Mr Moore-Wilton is making is that Ms Halton's nomination was made in accordance with the normal time line for the round in 2001.

**Senator FAULKNER**—If I know what you are hinting at, Mr Moore-Wilton, no, from what I have seen I would not have awarded Ms Halton a public service medal. But then I would not have awarded it to anyone in the Department of the Prime Minister and Cabinet who had any involvement with this matter.

**Mr Moore-Wilton**—All I can say, Senator, is that it was a merit selection process where the committee had a majority of outside representatives who considered the facts, including the number of candidates. If you are not in step with them then that is something you should take up with the Public Service.

**Senator FAULKNER**—I am often out of step, as you would probably point out. In relation to that matter generally and in relation to the department's performance, I suppose at the end of the day we still have the problem that, effectively, the buck has stopped with no-one in the Department of the Prime Minister and Cabinet. In other words, no-one is going to take responsibility for the significant failings of the department in relation to the matters we have been canvassing for the last few hours.

**Senator Hill**—That is the assumption that is the Labor Party's spin. Mr Max Moore-Wilton has given a very valid and reasonable explanation of how the photos, in particular, would have been interpreted as relating to the first event and how that would have really clarified the uncertainty that existed at that time. Why should anybody take a fall for that? If it turns out to be in error but it was not unreasonable in the circumstances, which is Mr Max Moore-Wilton's case, why should someone take a fall?

**Senator FAULKNER**—I suppose the question to Mr Moore-Wilton is: does he accept that responsibility ultimately lies with him, as the Secretary of the Department of the Prime Minister and Cabinet? I suspect that he would.

**Senator Hill**—He has a responsibility to endeavour to ensure that it is an efficient and effective department.

**Mr Moore-Wilton**—Mr Chairman and Minister Hill, of course I take responsibility for the action of my officers. If I had considered that disciplinary action was necessary to date, I would have taken it. If, in the light of any further events, I consider that disciplinary action is necessary, I will take it. I have never hesitated to take disciplinary action if I thought it was warranted. To date, I have seen no fact—I have seen a lot of assertion—which would warrant me to discipline any officer in my department. I still consider Ms Halton one of the most valuable and talented officers in the Australian Public Service. We are very fortunate, in my view, to have Ms Halton, someone who was prepared to work 24 hours a day to carry through a very onerous task on certain occasions. I have absolutely no doubt that she acted in good faith, and so did the remaining officers in my department. Nothing I have heard today and none of the intense speculation I have seen in the media—not backed by any fact—would lead me to change my view at this time. If you can give me some facts in that regard or if they come forward, I will certainly look at them.

**Senator FAULKNER**—It is not my role. Do you accept that Ms Bryant's report does point to significant failings in the system?

**Mr Moore-Wilton**—Ms Bryant's report says that there were failings in the way in which departments interacted that unfortunately led to confusion in regard to the question of photographs. As I said in my letter to the Prime Minister, I accepted the thrust of that report. The fact that people make mistakes does not necessarily mean that the process was unsound or that the officers did not act in good faith and with the highest of motives.

**Senator FAULKNER**—There is a responsibility, you would accept I am sure, on public servants to ensure that the public record is corrected in the sorts of circumstances that have been outlined at this committee hearing—not that I suggest for one moment we know all the truth; we are just slowly beginning to learn it. Surely there is some responsibility on public servants to ensure that the public record is corrected. You would accept that, wouldn't you?

**Senator Hill**—That is the outcome of the reports.

**Mr Moore-Wilton**—I have seen nothing to date, Senator, unless you can allude to it, where any public servant has sought to either obfuscate or hide any relevant information from the public. I have not seen any evidence to that effect. There is nothing in the documented reports that shows deliberate intent either to deceive or to hide relevant information. Contrary to the press reports and some of the endeavours elsewhere, this was an extremely complex, difficult and stressful situation for all concerned. From the officers raiding the vessel, who were trying to save lives when people were deliberately putting lives in danger so that those people then had to go and rescue them—there is no doubt about that, no doubt at all—to the officers who were in Canberra, seeking to ensure that a process was in place where lives could be saved, I think, they acted, as I said, in the highest traditions of the Australian Public Service. They were not hanging around waiting to see that every piece of information could be triple checked before they went on. They had to move on; they had no choice. It is for that reason I say that I have not come to any conclusion at all that any officer should be disciplined or punished. I am proud of the work that my officers undertook on this task force and I remain proud of it.

**Senator FAULKNER**—But the issue here is the lack of action to correct the public record. That is a key problem that I would identify, and it is something that I suspect you need to focus on.

**Mr Moore-Wilton**—All I can say in that regard is that if I had any information available to me at any time which categorically indicated that the advice that was given to the ministers was incorrect, I would have taken action to ensure that that was the case. I can only keep making the point that the internal processes which were properly undertaken through the chain of command in the Department of Defence were not made available to me—and I have no criticism of that, neither did I see a need for them to be, if I were asked now—until General Powell's report was made available. I am not a mind-reader and, as I pointed out to you, I did have a number of other things—

**Senator FAULKNER**—We both know that that is simply not true, Mr Moore-Wilton. We know what was passed through with the chronology to the Department of the Prime Minister and Cabinet. We know that nothing occurred as a result of it. We know that there were many attempts—

**Senator Hill**—That was qualified and then clarified.

**Senator FAULKNER**—I have read General Powell's report pretty thoroughly on a couple of occasions and, to be honest with you, I think Defence accepted and we are well aware that they were sloppy. Having been sloppy, what seems to me to differentiate them from many others is that Defence did a lot of work to try to ensure that the record was corrected.

**Senator JACINTA COLLINS**—I have one more brief question before we break for dinner, and perhaps the minister can assist on this point. The ‘fog of war’ phenomenon is referred to, I think, in both reports.

**CHAIR**—The what?

**Senator JACINTA COLLINS**—Fog of war.

**Senator FAULKNER**—It is not the only fog around.

**Senator JACINTA COLLINS**—I dug it out a moment ago from Ms Bryant’s report. The ‘fog of war’ phenomenon is mentioned on page 12 at the second dot point. It is also in the Defence report. It might assist us at this stage if we can have some clarification, perhaps from the minister, as to what it means.

**Senator Hill**—What would you like to know about it?

**Senator JACINTA COLLINS**—I would like to know what it means.

**Senator Hill**—It means that there is some confusion arising from the precipitous nature of the circumstances. Ms Bryant might give a better definition because she actually spoke to the military about it.

**Senator FAULKNER**—I thought it was a meteorological term.

**Ms Bryant**—It was a term used to me that is a recognised phenomenon in Defence terminology that says that initial reports can often be varied in the light of subsequent confirmation. The illustration used to me was that troops on the field at night might report, ‘Contact, contact, we’ve got an enemy contact,’ and then subsequently, in later reporting, it might be that it was two trucks passing by or a kangaroo. It is the phenomenon where the initial reports can often be found to have been in error and have been passed on quickly in the heat of the urgent action happening at the time.

**Senator JACINTA COLLINS**—So, essentially, it is the principle of the importance of corroboration?

**Ms Bryant**—Yes—that initial verbal advice should not be relied on solely.

**Senator JACINTA COLLINS**—At what stage is that principle provided in public sector training?

**Senator Hill**—In what?

**Senator JACINTA COLLINS**—In the training of public sector officers. We have the Defence version of it and what they call it. I am asking what, in your own terms, it would be classified as and when it is incorporated in your own training. The Defence report, for instance, indicates that it had a concern with the level or seniority of the Defence officer involved in consultation because they would not be familiar with this phenomenon. I am wondering when you should anticipate that a Public Service officer would be familiar with that phenomenon.

**Senator Hill**—The second meeting on the 7th involved a very senior military officer.

**Senator JACINTA COLLINS**—That is my question, Minister—yes, you are with me. When should we be able to anticipate that our Public Service officers are aware of the importance of corroboration? That is the question.

**Senator Hill**—In some ways it is instinctive, isn’t it? If you waited for corroboration on everything, you would live in an impossible situation—you would not be able to do anything.



**Mr Moore-Wilton**—I also think, Minister, that the ‘fog of war’ analogy—which I was not familiar with—was that the circumstance affecting SIEV4 was exactly relevant to the fog of war. The information that was provided emerged from a ‘not warlike but crisis type situation’ involving the Department of Defence.

**Senator JACINTA COLLINS**—Precisely.

**Mr Moore-Wilton**—Public Service officers have to rely on the advice they are given. Generally speaking, if there is an opportunity to double-check that advice they will. However, in a rapidly evolving situation, if advice is given from a reputable source with appropriate authority they take that advice. They have no choice.

**Senator JACINTA COLLINS**—And they will act on it without corroboration?

**Mr Moore-Wilton**—In this particular case, as pointed out by General Powell’s report, this was provided through the chain of command. What further corroboration could they receive? It came from an air vice marshal, it went through a brigadier and came from the captain of the ship. The report is crystal clear in that regard.

**Senator JACINTA COLLINS**—It is not quite as crystal clear as you expect.

**Mr Moore-Wilton**—That part is clear. What is clear, if you want to use the quote, is that it was a fog of war, because it was subsequently that the advice was changed, evidently. But that was not brought to the Public Service officials’ attention.

**Senator JACINTA COLLINS**—What is quite clear from the Defence report is that they had serious concerns that the chain of command was not followed.

**Mr Moore-Wilton**—Subsequently.

**CHAIR**—Before we break for dinner, let us just check where we are up to. I think we have finished general questions. In terms of outputs 1 through to 4 under the department’s purview, are there any further questions?

**Senator FAULKNER**—I have no other questions—

**Senator JACINTA COLLINS**—I have one.

**Senator FAULKNER**—beyond what might be reported back to us over the break, and I cannot predict that. I will place some questions on notice, Mr Henderson, in the interests of trying to finish this off as quickly as possible and move on to the agencies.

**Mr Henderson**—So what may be left is a comeback in relation to recent questioning?

**Senator FAULKNER**—Yes.

**Mr Henderson**—Are we finished with the department completely, including OSW, or not?

**CHAIR**—The OSW will be later this evening.

**Mr Henderson**—So, apart from a possible comeback—

**CHAIR**—And Senator Collins’s question.

**Senator JACINTA COLLINS**—I could do it quickly now.

**CHAIR**—Perhaps we could have Senator Collins’s question now.

**Senator JACINTA COLLINS**—I have just one outstanding question for Ms Bryant in relation to the information that she assessed from HMAS *Adelaide*. Ms Bryant, the Defence report indicates concern that it did not have access to information from HMAS *Adelaide*. Are

you satisfied that the log and other material you refer to from HMAS *Adelaide* provides you with all relevant information?

**Ms Bryant**—That is my assessment. As I indicated to you before, there is certainly material in the possession of *Adelaide*, like the disk of 412 photographs—and I did not access every one of those—and there are probably other examples of that sort. But I believe that I accessed all that was relevant. I expressly sought the boarding log and the ship's log at the time and have those in the evidence I had available to me. They were the documents mentioned, I think, by General Powell as things he did not have access to.

**Senator JACINTA COLLINS**—What process did you go through in ascertaining what you needed to look at and what you did not in terms of what is held by HMAS *Adelaide*?

**Ms Bryant**—I looked at the witness statement by Commander Banks, at the attachments which listed documents that existed and at the connecting pieces of evidence from NORCOM. I also, obviously, looked at General Powell's report and places that he pointed to that needed further investigation, and I attempted to make further inquiries with respect to those.

**Senator JACINTA COLLINS**—Is there any caveat in terms of those additional investigations you sought to make that you think still leaves limited information, being that it is held with HMAS *Adelaide*?

**Ms Bryant**—I believe that, for my purposes, I accessed what was relevant. It is possible that something else does exist, because I did not exhaustively access every single document. I made an assessment in light of, for example, the transcript of the video, crew statements and things of that nature that were listed in that material. I accessed what I identified as being potentially relevant. I did not access some other material—for example, embarkation plans—because they were ship operational matters that did not appear relevant.

**Senator JACINTA COLLINS**—Can we have a list from you of what you understand you did and did not access?

**Ms Bryant**—Yes, I can prepare that.

**CHAIR**—Mr Henderson, I think the Department of the Prime Minister and Cabinet is finished, subject to information collected over the break—and Senator Faulkner may have questions in relation to that information. Of course, there is also the Office of the Status of Women, which will come after the Office of National Assessments and the Office of the Inspector-General of Intelligence and Security.

**Proceedings suspended from 6.43 p.m. to 8.16 p.m.**

**Senator Abetz**—My apologies for not being able to be here at 8 p.m., but I notice it has given people time to get a cup of tea or coffee, so there was some benefit in that. I will quickly make a statement on behalf of Senator Hill. I am not exactly sure what 'those issues' are, but Senator Hill has asked me to pass on that those issues he agreed to follow up will be followed up and advice given as to what can be obtained, but that information is not to hand as yet. As soon as we have some information, it will be made available.

**Mr Henderson**—To elaborate on that point, I would expect that the relevant officers will be back here to provide that information, certainly before 9 o'clock. We have had to check some records in the department. We need to get them; it is not information that should be cobbled together on the run. We were promised three or four quick questions on the Audit Office. My suggestion, Chair, is that that might be one way to go ahead. Otherwise, from the department's point of view, we would move to OSW.

**CHAIR**—All right.

**Senator FAULKNER**—No, hang on. I have a different suggestion, Chair. I appreciate what Mr Henderson has said about the information that might be coming in relatively short order—that is appreciated, and I thank you for that, Mr Henderson—but I think we should stick to our agreed batting order. If it is acceptable to the committee members, my suggestion is that we deal with ONA, Inspector-General's, Auditor-General's and so forth, and keep batting in the order we have agreed, but accept that we might have to break into that. We can be that flexible, can't we? That is more in line with the way that we have planned the evening's entertainment.

**CHAIR**—Yes. That is subject to the other officers coming back, Senator Faulkner, and having information that you may wish to ask further questions about.

**Senator FAULKNER**—If Mr Henderson can cope with that, I really think we are better off sticking to our agreed approach.

**Mr Henderson**—I can cope with that, Senator; that is fine.

**Senator FAULKNER**—Unless the relevant officers have just come back and we can do it now.

**CHAIR**—Mr Henderson, I was just saying that we would break into any examination we were undertaking to further examine any information that may have been gathered during the dinner break and that Senator Faulkner may wish to ask further questions about. If that information has now arrived with Mr Moore-Wilton, we can do that now. If not, we can wait until later on this evening. Is that all right, Senator Faulkner?

**Senator FAULKNER**—Yes, I think that is sensible.

**CHAIR**—I apologise. We will return to Mr Moore-Wilton. Senator Faulkner, you may wish to ask about the progress over dinner and take it from there.

**Senator FAULKNER**—I do not know whether it was Mr Moore-Wilton or Ms Bryant who was going to respond to, hopefully, some of those issues that we left before the dinner break.

**Mr Moore-Wilton**—One of the issues that was left hanging before the dinner break was the issue of what advice was provided by Ms Bryant to Mr Jordana in the Prime Minister's office. Ms Bryant has an answer, and I will ask her to inform the committee.

**Ms Bryant**—Senator, I have made some calls over the dinner break and checked as far as I can in the relatively limited time available. I have sought to refresh my memory as to what Defence sit reps and other material we may have sent up to Mr Jordana in response to his request on 7 November. The request related to material which had previously been provided to the Prime Minister's office by the department, relating to the 'children overboard' incident. As I mentioned before, it was specifically for sit reps and other defence material.

I talked to Mr Jordana in the break and he has confirmed the reason behind his request. He said he wanted to review previously provided material to assist in preparation for the Prime Minister's National Press Club speech on 8 November. I do not recall that being explicitly clear to me at the time, but I have obtained that advice from him. My staff have advised me, to the best they have been able to check in the time available, that the documents that were sent were two DFAT task force situation reports, namely situation report No. 59 and situation report No. 60 in the sequence that was produced by DFAT over that time frame. A third

document was the Defence headquarters Operation Gaberdine/Operation Relex 8 November situation report.

**Senator FAULKNER**—Could you run that by me again, please? I didn't quite catch it.

**Ms Bryant**—The third one was a Defence headquarters Operation Gaberdine/Operation Relex—which is what they codename these things—8 October situation report. That is as best we have been able to ascertain in that time frame, Senator.

**Senator FAULKNER**—When did that go off? That evening?

**Ms Bryant**—I am not completely certain—on the 7th or the 8th.

**Mr Moore-Wilton**—It would have to be the 8th if it is an 8 November report.

**Ms Bryant**—No, I am sorry; it is an 8 October situation report but it was sent to Miles on the evening of the 7th, or it may have been sometime on the 8th, before the Press Club address.

**Senator FAULKNER**—You will try to establish further details—

**Ms Bryant**—If I can establish further details, yes.

**Senator FAULKNER**—including what was sent and when it was sent. I think you did mention to us also that you think Mr Jordana also approached Defence on these matters.

**Ms Bryant**—I do not recall saying that.

**Senator FAULKNER**—I thought that is what you said. It may not be right.

**Ms Bryant**—I was reminded by colleagues in the course of my discussions that when they were obtaining these documents—preparatory to sending them to Mr Jordana—they sought information from the International Division and were advised in that context of rumours obtained from the Department of Defence that the photographs released on 10 October related to the sinking of the SIEV4 on 8 October rather than the events on 7 October. I now recall passing that information to Ms Halton, and I understand that she informed Mr Jordana.

**Senator FAULKNER**—This is informal advice from the Department of Defence?

**Ms Bryant**—That is correct. I understand it was a conversation someone overheard. I cannot put it more strongly than that. It came to me second-hand.

**Senator FAULKNER**—Let's work through that so that it is clear. It is informal advice from the Department of Defence. This is stumbled over at what time? Was it at the same time that this other material was being sent back to Mr Jordana?

**Ms Bryant**—To the best of my recollection, I believe it may have been the evening of the 7th.

**Senator FAULKNER**—So it is the evening of the 7th?

**Ms Bryant**—Because that is when I got the call from Mr Jordana.

**Senator FAULKNER**—But, if it is informal advice, this would not be in writing; this would be telephonic advice that you would be providing to him?

**Ms Bryant**—Sorry, could you repeat that?

**Senator FAULKNER**—You used the term 'informal advice'.

**Ms Bryant**—Yes.

**Senator FAULKNER**—Does that mean that that was advice on the telephone to Mr Jordana?

**Ms Bryant**—That is not my understanding. As I said, it was a second-hand report to me. Are you asking me whether I advised Mr Jordana on the telephone, or are you asking me about this informal advice from Defence?

**Senator FAULKNER**—What do you mean by ‘informal advice’?

**Ms Bryant**—This was second-hand advice to me. My recollection of the context was that it was more an item overheard. I am not entirely clear about the context, but it was an item overheard by a departmental officer when at another meeting. My understanding is that it was not an item presented in the context of that meeting.

**Senator FAULKNER**—Was this meeting where the item was overheard by another departmental officer a meeting of the People Smuggling Task Force?

**Mr Moore-Wilton**—Maybe I could be of some assistance here, because I queried this particular point. I understand that the second-hand advice was overheard by an officer attached to the Department of the Prime Minister and Cabinet’s International Division.

**Senator FAULKNER**—Who was that?

**Mr Moore-Wilton**—I do not know the officer’s name. I am sure that could be obtained. I understand it was overheard in the confines of a Department of Defence cafeteria or canteen during the course of a meal, a tea-break or something of that nature. So it was totally informal and it was, by nature, by way of ‘gossip’. It was never formally communicated to the department.

**Senator FAULKNER**—But it was provided by Ms Bryant to Mr Jordana.

**Mr Moore-Wilton**—No, that is not what Ms Bryant said.

**Senator FAULKNER**—That is what I am trying to clarify.

**Ms Bryant**—I said that I recall telephoning Ms Halton to pass on that this gossip had been relayed to me. I understand that she informed Mr Jordana.

**Senator FAULKNER**—So you passed this to Ms Halton?

**Ms Bryant**—By telephone.

**Senator FAULKNER**—Would you have written a diary note or anything?

**Ms Bryant**—No, the only diary note I have is the incoming request from Mr Jordana.

**Senator FAULKNER**—But you do think that it was around the evening of the 7th when you talked to Ms Halton?

**Ms Bryant**—To the best of my recollection, given the context of my diary note.

**Senator FAULKNER**—So we now know that Ms Halton is at least apprised of informal advice that indicates that there was what? No truth to the ‘kids overboard’ question? What was the nature of the informal advice? Were there questions being raised about it? Was it about the photos? We need to clarify that.

**Ms Bryant**—To the best of my recollection it related only to the photos and the fact that they may have been wrongly attributed. It did not relate to the broader story of children thrown overboard.

**Senator FAULKNER**—This informal advice went to the question that the photographs were not photographs of kids who had been thrown overboard?

**Mr Moore-Wilton**—On 7 October—as opposed to the rescue of children on 8 October.

**Senator FAULKNER**—Yes. I just took that as understood.

**Mr Moore-Wilton**—Yes, but it is an important point.

**Senator FAULKNER**—Perhaps. You believe Ms Halton provided that advice to Mr Jordana?

**Ms Bryant**—I understand that she passed it to Mr Jordana.

**Senator FAULKNER**—Why do you understand that?

**Ms Bryant**—She recalled that to me, Senator.

**Senator FAULKNER**—Can I find that in your report?

**Ms Bryant**—No, it is not there. She made that comment to me after I had completed the report to the best of my recollection.

**Senator FAULKNER**—Was that the only comment she made to you after you had completed the report?

**Ms Bryant**—We had a number of discussions. Can you narrow down your question slightly?

**Senator FAULKNER**—I do not mean comments she made about what she had for Sunday lunch. I am talking about matters germane to what you are reporting on. This is all new information that—without being ungenerous—does not appear in your report. They are matters which, had you known about at the time, you may have included in your report. Perhaps that is the best way of defining it.

**Ms Bryant**—If I had been aware of them in the witness statements at the time, I would have included them in my report.

**Senator FAULKNER**—After the completion of your report Ms Halton indicated that she had passed this information on to Mr Jordana. Is there any other information that Ms Halton has indicated to you that you may well have included in your report had you known about it before your report was concluded—any matter that might be of interest to the committee on the issue that we have been canvassing now for what appears to be many hours?

**Ms Bryant**—No. Going through this material I have recalled this and drawn it to your attention. I cannot recall any other comments made to me that may have been relevant to the preparation of the report.

**Senator FAULKNER**—We have contacts between Ms Halton and Mr Jordana that do appear in your report on page 31. Looking at the final paragraph on page 31, have we been able to establish that the contact between Mr Jordana and Ms Halton reported there took place around 9 or 10 October?

**Ms Bryant**—That is the evidence available to me, but I have not made specific further inquiries. Ms Halton's evidence to me was explicit: it was around 9 or 10 October that she told Mr Jordana that she had asked for checking to be done.

**Senator FAULKNER**—So we know that around 9 or 10 October she asked for checking to be done. We know that on the evening of the 7th informal advice—

**Ms Bryant**—It was 7 November.

**Senator FAULKNER**—Yes, 7 November. We know that informal advice was passed from you to Ms Halton to Mr Jordana that the kids in the water in the photographs were not in the water as a result of being thrown overboard but as a result of the boat sinking.

**Ms Bryant**—That there were rumours to that to effect.

**Senator FAULKNER**—Yes, that there were rumours to that effect. I asked you a question prior to the break about Mr Jordana contacting you. Is there a reason why that information was not recorded in your report? I understand the second step—that is Ms Halton to Mr Jordana. You have made that clear: you did not know about that until after the final report was printed. But what about this first flow of information from yourself to Ms Halton?

**Ms Bryant**—I simply did not recall it in the course of preparing the report. I simply did not recall that I had had that request. It is subsequent discussion and checking that has made me go back over that ground.

**Senator FAULKNER**—The are two DFAT task force sit reps, Nos 59 and 60, and there is the Defence headquarters Operation Gaberdine/Operation Relex sit rep of 8 October. Are you able to, in broad terms, outline to the committee what is contained in those? First of all, have you had access to those reports?

**Ms Bryant**—I did not have an opportunity to get copies here. I have had people checking. I have not sighted them in the break.

**Senator FAULKNER**—Had you sighted them previously?

**Ms Bryant**—The documents are available in the department, and I would have access to them. Given they were documents that came in, as I understand it, in that week of October when I was on leave, I have no recollection of ever having cause to go back and specifically look at those particular documents. But I may well have; I just have no specific recollection.

**Senator FAULKNER**—That refers to the DFAT task force sit reps Nos 59 and 60, and the Defence HQ report?

**Ms Bryant**—I think so. Without actually physically sighting them and reviewing them, which I have not had the opportunity to do, I cannot be certain. I cannot give you more precise advice without physically sighting them.

**Senator FAULKNER**—I am asking you that to see whether it is worthwhile asking you the obvious follow-up question: what was in them? Given your previous answer, I expect you cannot help me with that.

**Ms Bryant**—Only in the broadest terms. The Gaberdine/Op Relex sit rep had information in it about the rescue. I am not certain about the original children overboard incident. It may have been there as well in a very limited broad description.

I do not know precisely what was in the DFAT situation reports, but those reports at the time normally comprised status reports under various headings. They would be, depending on the point in time, ‘Situation on Christmas Island’, ‘Situation in Nauru’, ‘Situation in status of approaches to New Guinea’ or whatever else. I am not certain what was in these, but they would have been of that nature—a summary of the current status information available at the time.

**Senator JACINTA COLLINS**—Do you know offhand the date of those reports?

**Ms Bryant**—I am not absolutely certain. They were from 7, 8 or 9 October.

**Senator FAULKNER**—You have given us the date of the Defence report: 8 October. The sit report was dated 8 October.

**Ms Bryant**—Yes, that is what I have been told. As I said, I am not at all certain when they were actually provided to Mr Jordana's office. My people have identified some documents they believe may have been the appropriate ones but, without checking further, I am not certain of the timing, as I indicated to you previously.

**Senator FAULKNER**—What we now know, I think it is fair to say, is that there are at least three contacts between Mr Jordana and officers of the Department of the Prime Minister and Cabinet.

**Ms Bryant**—Those being the advice from Ms Halton about a request to check his call to me and Ms Halton informing Mr Jordana. That would be correct.

**Senator FAULKNER**—Yes. So there are three contacts?

**Ms Bryant**—Correct.

**Senator FAULKNER**—Two of those are to Ms Halton, one on either 9 or 10 October and one on 7 November—

**Ms Bryant**—Or possibly the 8th, I am not certain which.

**Senator FAULKNER**—Fair enough. Either 7 or 8 November, and one with you on 7 November.

**Ms Bryant**—That is correct.

**Senator FAULKNER**—We do not know of any other contacts between Mr Jordana and officers of the Department of the Prime Minister and Cabinet?

**Ms Bryant**—Not that I am aware of, Senator. He did not recall any to me as I discussed this issue with him.

**Senator FAULKNER**—I am sorry; I missed that last comment—it is really hard to hear here.

**Ms Bryant**—I said, 'Not that I am aware of, Senator.'

**Senator FAULKNER**—Thank you. You wanted to add something, Mr Moore-Wilton.

**Mr Moore-Wilton**—I was going to say that I have no recollection of having any contacts with Mr Jordana on these matters on either of those dates mentioned. In terms of other officers of the department, the only likely officers would be myself, Ms Halton or Ms Bryant. In the case of Ms Halton and Ms Bryant, you have the information. I thought I would clarify that I did not have any contact with Mr Jordana.

**Senator FAULKNER**—Thanks for that. We know of those three contacts. On reflection, Mr Moore-Wilton, do you think it would have been better if Mr Jordana had been interviewed in the preparation of Ms Bryant's report?

**Mr Moore-Wilton**—That is hypothetical, but I cannot see that Mr Jordana was provided with any information which was materially different from the base information as outlined by other officers.

**Senator FAULKNER**—We do not actually know what he was provided with yet.

**Mr Moore-Wilton**—I am only going on the evidence provided to the committee. I have listened to Ms Bryant and I have read Ms Halton's statement in the report. As I understand it, Mr Jordana was provided with the original information in regard to the task force being



advised that children were thrown overboard. I understand Mr Jordana was subsequently advised, as we have heard, in October that some queries had been raised in regard to this matter and the department had raised those queries but subsequently the officers in the department had decided, in the light of the release of the photographs, not to proceed with any further inquiry.

Subsequently, in November, as outlined here this evening, Mr Jordana was provided with the factual reports that had previously, evidently, been provided to him. He was also, evidently, informed by Ms Halton there was some speculation, based on gossip in the Department of Defence, in regard to the dating of photographs. But that, of course, was already in the public domain because it had been raised by the *Australian* newspaper on the morning of the 7th and, as I understand it, contacts were being made through the Minister for Defence's office to clarify that matter.

It was only for the purpose of completeness, I am sure, that Ms Bryant relayed that point about gossip. Normally, as we said prior to the break, officers do not normally rely on gossip as fact; they normally try to check their sources.

**Senator FAULKNER**—Before the break I indicated my concerns that staff members in some ministers' offices were interviewed for Ms Bryant's report but not staff in the Prime Minister's office. Given the nature of this information that we are now hearing, I wonder whether we could be informed if there is any revision of the departmental—by which I mean the Department of the Prime Minister and Cabinet—contacts with any other staff of the Prime Minister's office.

**Mr Moore-Wilton**—Could you run that past me again?

**Senator FAULKNER**—We have heard from Ms Bryant about the additional information in relation to Mr Jordana and Ms Halton. I am asking whether there were any other contacts that do not appear in the report that the committee can be informed of; in other words, departmental contacts with staff of the Prime Minister which may benefit the committee if we were aware of them—or just any contacts at all, whether it would benefit us or not.

**Mr Moore-Wilton**—Not to my knowledge. As I said, in my particular case, the answer is no.

**Senator FAULKNER**—You made the point about gossip. I think you described the Ms Bryant to Ms Halton to Mr Jordana link on 7 or 8 November as basically 'gossip'. You said to us this evening that officers do not normally rely on gossip. Do you think that ministers should be excused for releasing inflammatory and wrong statements based solely on uncorroborated—

**Senator Abetz**—I am not sure that is a relevant question for officials at the table to answer. It is very hypothetical.

**Senator FAULKNER**—It is not hypothetical at all.

**Senator JACINTA COLLINS**—It is actually fact.

**Senator FAULKNER**—Not only is it a fact; it does make, it seems to me, a rather telling—

**Senator BRANDIS**—On a point of order, Mr Chairman: it is not the province of the officials to comment on ministerial standards. It is the province of officials to give evidence to the committee in relation to their own conduct, not to make observations as to their opinions about ministerial standards.

**CHAIR**—I think Senator Brandis is right, Senator Faulkner.

**Senator FAULKNER**—I thought you would think he was right.

**Senator Abetz**—And you know he is right.

**Senator FAULKNER**—I am surprised that you did not think it was a reasonable point to draw a comparison between officers' gossip and ministers' gossip. Ms Bryant, are there any other matters in relation to or in addition to matters that, perhaps on reflection, you believe, if you had the opportunity, you would now include in your report? We have heard about the Ms Halton and Mr Jordana contact. Are there any other matters that might have come to your attention which, on reflection, you think might have better been included in the report?

**Ms Bryant**—Not that I can recall.

**Senator FAULKNER**—Can I just be clear about this? I would like to ask this question in as careful a way as I can to you, Ms Bryant: Why did you not include in your report your own knowledge of the 'gossip'—to use Mr Moore-Wilton's term—and your passing it on to Ms Halton? Why doesn't that appear in your report?

**Ms Bryant**—If I had recalled it at the time, I would have included it. As I said to you, I quite simply did not recall it. At the time, it was a minor item of gossip, and it did not raise itself in my consciousness at the time. Had it done so, I would have included it.

**Senator JACINTA COLLINS**—Was it you who provided the information to Mr Jordana?

**Ms Bryant**—No, it was not.

**Senator JACINTA COLLINS**—So you are not aware of why this particular material was selected?

**Ms Bryant**—Sorry, you are asking me about the reports?

**Senator JACINTA COLLINS**—Yes.

**Ms Bryant**—Having, as I said, talked to Mr Jordana and with what I could check in the time, or have my colleagues check or assist me with checking, I understand that it related to material previously provided to the Prime Minister's office by the department so that the office could refresh its memory in preparation for the Prime Minister's address.

**Senator JACINTA COLLINS**—Why was the chronology with its footnote not one of those items?

**Ms Bryant**—As I said, all I could ascertain in the time was that these documents may have been those that were being requested.

**Mr Moore-Wilton**—Senator Collins, I think you just asked why the chronology was not included. I do not recall any evidence that the chronology was ever provided to the Prime Minister's office.

**Senator JACINTA COLLINS**—I am not suggesting that it was.

**Mr Moore-Wilton**—Ms Bryant, I think, made it explicit that what she was asked to provide by Mr Jordana was information previously provided to the Prime Minister's office.

**Senator JACINTA COLLINS**—Was that exclusively the request?

**Mr Moore-Wilton**—So that the Prime Minister could refresh his memory.

**Ms Bryant**—Yes, it was a request for previously provided material.

**Senator JACINTA COLLINS**—The rumour was new information though, was it not?

**Ms Bryant**—The rumour on that night—we stumbled across that rumour in the process of trying to assemble documents—was new information, and I did pass that on by telephone to Ms Halton.

**Senator JACINTA COLLINS**—So I go back again to the origin question: why not the chronology?

**Ms Bryant**—Because the chronology had not been sought by Mr Jordana—it had not been provided to the Prime Minister's office and it was not one of the documents he had requested.

**Mr Moore-Wilton**—But again, if I may be clear, the gossip per se was not provided to Mr Jordana by Ms Bryant in the context of his request. What was provided by Ms Bryant was information to Ms Halton that an officer of Prime Minister and Cabinet had heard that there was some gossip in Defence in regard to the photographs on 7 November—

**Senator JACINTA COLLINS**—DIST had the communications.

**Mr Moore-Wilton**—and that that was passed as a separate message to Mr Jordana. The officer was simply volunteering information to the committee. But to link the two is not logical. They were not provided in the same context—and we should make that clear to you, if it has not already been made clear.

**Senator JACINTA COLLINS**—That has been made very clear. Let us go back to the earlier question though, which is: are you suggesting that the chronology was never provided to the Prime Minister's office?

**Mr Moore-Wilton**—I am not suggesting; I am asserting.

**Senator JACINTA COLLINS**—Okay, you are asserting it. We will go back to the chronology and its footnote then: was it the subject of reports that were provided to the Prime Minister's office?

**Mr Moore-Wilton**—The answer is no, because the reports are situation reports prepared by the Department of Foreign Affairs and Trade on the day-to-day issues at that particular time—which I think, as you said, was 7, 8 October. The chronology was not alluded to in the task force.

**Senator JACINTA COLLINS**—I am not asking only about those DFAT task force information reports; I am asking about any information report that—

**Mr Moore-Wilton**—Ms Bryant has indicated that those were the only ones provided, so why would you be alluding to some others that were not provided?

**Senator JACINTA COLLINS**—They may well have been provided—

**Mr Moore-Wilton**—You have received evidence of what was provided. I just do not understand your talking about what was not provided.

**Senator JACINTA COLLINS**—Mr Moore-Wilton, I am not interested in what Ms Bryant is alluding to. I am interested in what she is asserting, and I am seeking that she clarify whether the DFAT task force information reports Nos 59 and 60 were the only such reports provided to the Prime Minister's office.

**Ms Bryant**—As I said, I have done what checking I could in the time frame. I cannot be categorical at this point that there is nothing else.

**Senator JACINTA COLLINS**—My further question is: if there were other reports—and I do not think the dates are quite right for it to be contained in these reports you have already

raised—was the chronology ever referred to in those reports? That is the question that you obviously need to take on notice.

**Ms Bryant**—I believe I will but, to the best of my knowledge, the answer is no.

**Senator FAULKNER**—I think we have had a couple of examples—more than a couple, including a few examples today—Mr Moore-Wilton, about the fallibility of recollections. I think you would accept that, wouldn't you?

**Mr Moore-Wilton**—Absolutely.

**Senator FAULKNER**—You have used the word 'recollections' a lot today.

**Mr Moore-Wilton**—That is the best I can do.

**Senator FAULKNER**—Are those fallible?

**Mr Moore-Wilton**—One thing is very clear: all of us who have some beliefs understand that we are all fallible. That is in the Judaeo-Christian ethic of course; I cannot speak for anything else.

**Senator FAULKNER**—I am just interested in ethics, undefined. Mr Moore-Wilton, I am interested in the interrelationship here between Defence and the Department of the Prime Minister and Cabinet, a matter that obviously is dealt with in some detail in, frankly, both of the reports that have been tabled by the Prime Minister in the parliament. What amount of contact did you personally have with senior Defence people in the period early October through to early- to mid-November?

**Mr Moore-Wilton**—I would have to go back and check my records, but I can give you a general but fallible response at the moment. In regard to the task force and the officials attending task force meetings, I do recall that from time to time I entered the task force if I was in Canberra to speak to Ms Halton, and on maybe one occasion I sat down at the back of the task force and listened to some of the discussion. But I did not attend any complete task force meetings, and I do not believe I interacted formally with any of the Defence representatives at the meeting. I saw Air Vice Marshal Titheridge in the corridor at PM&C once or twice, and I think the conversation went something like 'How's it all going?' But the contacts that I had with Air Vice Marshal Titheridge were always cordial and to the point.

Apart from that, because I chair the Secretaries Committee on National Security, which includes the Chief of the Defence Force and the Secretary of the Department of Defence, or their alternates if they are not available, there may have been meetings of the Secretaries Committee on National Security during that time which did not deal with the detail of the task force but which may have alluded to it in any below-the-line discussion. Those contacts continued. In no case during the period did the chief, the secretary or I explicitly discuss the issue of children overboard or the photographs in terms of querying them. You will need to ask the CDF and the secretary in that regard, but my recollection is that—

**Senator FAULKNER**—No, there is no need to ask them if you are clear on it.

**Mr Moore-Wilton**—At no stage did we discuss that issue. Let me say that, given the close and continuing effective working relationships between the Secretary of the Department of Defence, the CDF and me, unless they raised it with me, I would have had no cause for concern—and they did not raise it with me.

**Senator FAULKNER**—So you certainly did not have any separate contact or discussions with Dr Hawke.

**Mr Moore-Wilton**—No, I did not. The first time that the issue, in terms of evidence and facts in relation to the situation, presented itself to me was when I became aware that the CDF had initiated an inquiry by Major General Powell. I spoke to the CDF and the secretary and asked if we could have access to that to enable Ms Bryant's inquiry to continue. The CDF readily agreed and provided that information, as I expected he would, when it became available.

**Senator FAULKNER**—Mr Moore-Wilton, are you still satisfied as to the independence of the report that Ms Bryant has conducted, given the evidence that we have heard today? You said that you were earlier today.

**Mr Moore-Wilton**—No, I am satisfied in regard to—

**Senator FAULKNER**—You said earlier today that you were satisfied about this. Are you still satisfied?

**Mr Moore-Wilton**—Nothing that I have heard today would seem to affect the materiality of the information that Ms Bryant's inquiry or General Powell's inquiry has provided. There is one point of clarification on my memory: Ms Bryant reminds me that the CDF made a statement. I wonder whether you could decipher what you have just said there to remind me of what Admiral Barrie said, because I do not want to verbal the admiral.

**Ms Bryant**—To the best of my recollection, the written statement Admiral Barrie provided to General Powell's inquiry which I had access to did make reference to a conversation—and I do not have it here—with Mr Moore-Wilton on 8 October, the day of the sinking. My understanding was that it was a discussion in which Admiral Barrie was making it clear that he would be giving priority to saving life at sea, in the context of international obligations.

**Mr Moore-Wilton**—Now that I am reminded of that discussion, I can put it in its context. The admiral and I—this was during the course of the vessel subsequently being apprehended and subsequently sinking—discussed the issue of what priority would be given to keeping the asylum seekers on the vessel or, if the vessel was considered to be in danger by the captain of the *Adelaide*, taking the asylum seekers off the vessel and moving them to Christmas Island. The admiral made it clear to me that Defence would place the saving of human life above the continuation of the asylum seekers on the vessel, even though there was a priority to try and keep the vessel in a condition where it could be sailed or taken back to Indonesia. This was absolutely understandable. I said that, of course, that was recognised: that the captain of the *Adelaide* had the final authority to decide when and if people should be removed from the vessel.

**Senator FAULKNER**—So I just return to the question I asked before: in the light of what we have heard in evidence to this estimates committee today, are you still satisfied, as you were earlier today, of the independence of Ms Bryant's report into these events?

**Mr Moore-Wilton**—You use the word 'independence' of Ms Bryant's report. Ms Bryant's report was never to be an independent report. It was a request by the Prime Minister to me for the task force to give him a report. In that circumstance, the only officer in the task force suitable, in my view, to undertake that report within the Department of the Prime Minister and Cabinet was Ms Bryant. I am satisfied on what I have heard today and in the report that I have read that, to the best of her ability, she sought to carry out that task honestly and fairly. I cannot say any more than that. If the Prime Minister had said to me 'Please go and get an independent reviewer from somewhere to carry out this task,' then I may have given that consideration. That was not what I was tasked to do—apart from me doing it myself, of

course, and which you realise would be quite impractical. You may have made a number of other comments if I had undertaken the report.

**Senator FAULKNER**—I do not know what comments I would have made—

**Mr Moore-Wilton**—Neither do I, Senator.

**Senator FAULKNER**—I suspect I would have thought, as I think about this one—and I repeat that this is not a criticism of the officer involved—that the process leads to the antithesis of an independent inquiry. You accept it is not independent. Don't you think it could have been done a little better? Perhaps you might have suggested that the Prime Minister find another officer from the Department of the Prime Minister and Cabinet or another department not directly involved?

**Senator Abetz**—The advice that may or may not be tendered is not—

**Mr Moore-Wilton**—The task was given to me by the Prime Minister. I believe it was carried out fairly. You might make the point hypothetically that, in other circumstances, somebody else could have carried it out. I am simply saying that those circumstances are not relevant. The relevant circumstances were that the department was charged to ask a member of the task force within the department to carry out an inquiry which basically summarised the facts. That is all. That is what we did.

**Senator JACINTA COLLINS**—Ms Bryant, there is another issue in relation to Ms Halton conveying the rumour to Mr Jordana. I would like to know whether you have an understanding of it from the course of your investigations and, as you have just said, from the report you had further to concluding your investigations. That is, why was it that Ms Halton chose to transfer that information to Mr Jordana but did not reappraise her dismissal of the chronology in the footnote?

**Ms Bryant**—I have no knowledge of that, Senator.

**CHAIR**—Are there any further general questions in relation to matters arising from before the dinner break?

**Senator FAULKNER**—I do not believe so, because we are running a little short of time. But to finish off, Mr Moore-Wilton, you are not blaming the Prime Minister for the weaknesses in the inquiry because of the request to you that it be conducted by the People Smuggling Task Force itself. It was certainly open to you or anyone else to suggest perhaps it be done by any other individual, if you saw fit, and it is quite possible the Prime Minister would have agreed with any such request.

**Mr Moore-Wilton**—I think I have taken care today not to blame anybody, from the Prime Minister down, because I am not at all sure that blame is the relevant issue. I am not sure that blame should be ascribed. There has been an unfortunate confluence of events, which may be entirely understandable. I think you made the point yourself at one stage during today's questioning. The Prime Minister sent me a formal letter. I saw no reason why I should dispute that letter, and I sought to carry it out in accordance with the instructions. I believe my officer has, to the best of her ability, sought to carry out that remit. I can say no more than that. The report will have to stand on its merits and undoubtedly be considered on that basis.

**Senator FAULKNER**—Of course, you run the risk then of political opponents suggesting the inquiry is nobbled before you even start.

**Mr Moore-Wilton**—As you know, as the Public Service, we could not possibly comment on that one way or the other.

**Senator FAULKNER**—You have managed to comment on a few other things, Mr Moore-Wilton, particularly later in the day—

**Mr Moore-Wilton**—But never on your motives, Senator.

**Senator FAULKNER**—That may be the case publicly, and I appreciate it if it is, but I certainly appreciate that you have been very helpful about Mr Jordana.

**Senator FORSHAW**—Could I just ask: you have used the term ‘confluence of events’ on a number of occasions, and others have used it as well. Why do you describe all these as events? Aren’t they really decisions that were made, or failures to take decisions or to pass on information or to pursue information? Isn’t it a confluence of all of those actions, or inactions, of a range of people—to use your explanation—rather than events? You avoid the concept of responsibility by talking about a ‘confluence of events’.

**Mr Moore-Wilton**—Senator, my understanding of the English language is that ‘events’ covers individual activities. I have endeavoured to say today where I believe my responsibilities have lain at any time, and I have said that I take full responsibility for the activities of the Department of the Prime Minister and Cabinet. I cannot take responsibility for activities undertaken outside of my control, either directly or indirectly. I have also sought to indicate that. But only the inquiry—if you are not satisfied with the detail provided—will be able to form a balanced view on that.

**Senator FORSHAW**—My question arose out of your explanation, but your explanation came in response to Senator Faulkner’s question where you were talking about blame, and your view was that you were not sure that blame should be attributed to anybody but, rather, it was a confluence of events. In other words, it was things that were outside the control of individuals. The point I am making, in response to your description, is: these were events that were very much in the control of people; they were not metaphysical.

**Senator Abetz**—If you want to make a statement about it, that is fine, but this pedantic discussion about what the term ‘events’ means is not necessarily helpful.

**Senator FORSHAW**—But wouldn’t that be a better description?

**Mr Moore-Wilton**—Senator, I think I have a reasonable command of the English language. I meant ‘confluence of events’, and that is what I said, and that is what I stick by. You can take it to mean whatever you like. That is your prerogative. It is my prerogative to say what I think.

**Senator FAULKNER**—There were one or two other issues left in abeyance over the break. Is there any further information on those matters?

**Mr Henderson**—There is no further information.

**CHAIR**—Mr Moore-Wilton, Mr Henderson and Ms Bryant, I thank you very much for your assistance throughout the day.

[9.13 p.m.]

#### **Office of National Assessments**

**CHAIR**—I welcome Mr Jones and Mr Triffett. Would you like to make an opening statement before I call on general questions from the committee?

**Mr Jones**—No, I have no statement to make. I am happy to take questions.

**Senator FAULKNER**—Mr Jones, are there any new, or comparatively new, divisions in ONA that have been established?

**Mr Jones**—We are planning to establish a transnational branch. At the moment, transnational issues are handled within the strategic analysis branch, but we have taken a decision to establish a transnational branch to reflect the increasing interest and pressure of transnational issues such as terrorism, people smuggling, and so on. We are increasing our capability to cope with these issues.

**Senator FAULKNER**—That will deal with people smuggling, will it?

**Mr Jones**—It will handle people smuggling, yes.

**Senator FAULKNER**—But it is not established yet.

**Mr Jones**—No, it is not. We are in the process of recruiting a branch head and when that is done the separate branch will be established. The issues are currently being handled by the strategic analysis branch.

**Senator FAULKNER**—That has been around for a fair while, hasn't it?

**Mr Jones**—Yes, it has. It was disestablished for a while but was re-established about two or three years ago.

**Senator FAULKNER**—It was disestablished?

**Mr Jones**—Yes, after 1996.

**Senator FAULKNER**—Why was it re-established?

**Mr Jones**—Mainly because of demand from customers for more work by ONA on bigger picture strategic issues. In relation to the establishment of the transnational issues branch, the key factor in leading us to take that decision was the terrorism issue with all its dimensions and the need for us to do more work on that subject.

**Senator FAULKNER**—Does each report from ONA that goes to government have a security classification? Are any of them unclassified?

**Mr Jones**—They all have different security classifications. I cannot recall seeing an unclassified one, but it is possible there are. Dr Kean, who has a long corporate memory, says he had seen some in the remote past.

**Senator FAULKNER**—They would be described as 'unclassified'.

**Mr Jones**—Yes, but that would be relatively unusual.

**Senator FAULKNER**—Is a report you prepare modified in any way if it is to be publicly quoted from? In other words, does the security classification change?

**Mr Jones**—They are not frequently publicly quoted from.

**Senator FAULKNER**—I know that.

**Mr Jones**—So I have no basis on which to answer that question. There may well be material in classified reports, even highly classified reports, which is not actually classified material. There are some highly sensitive pieces of information and others which are in the common domain.

**Senator FAULKNER**—Would the security classification change if a report were to be publicly quoted?

**Mr Jones**—The classification of the report itself would not change but it is possible that the information which had appeared in public might thereby be declassified.

**Senator FAULKNER**—After it appeared in public?



**Mr Jones**—Or even before.

**Senator FAULKNER**—What was the security classification of the report that the Prime Minister quoted in his Press Club speech on 8 November 2001?

**Mr Jones**—It had a string of code words across the top.

**Senator FAULKNER**—Are any of those code words secret?

**Mr Jones**—Yes.

**Senator FAULKNER**—They are secret code words? That is fair enough. You understand what I am asking?

**Mr Jones**—Yes, I understand.

**Senator FAULKNER**—They are code words you would not reveal to the committee because they are secret code words as opposed to the classification ‘secret’.

**Mr Jones**—Correct.

**Senator FAULKNER**—Right. The report is of such sensitivity that you cannot say publicly what that security classification is because the code words are secret?

**Mr Jones**—I do not know whether this code word is secret or not. It may be.

**Senator FAULKNER**—You just said a minute ago that it was secret.

**Mr Jones**—I believe it to be.

**Senator FAULKNER**—That is fair enough. I am not asking you to say it if it is secret. I am with you.

**Mr Jones**—I understand what you are asking, and the answer to that is that some of the information in the report attracts a high-level classification.

**Senator FAULKNER**—Do you make clear in that report what attracts a high classification and what does not?

**Mr Jones**—No.

**Senator FAULKNER**—If someone were quoting from it, would they know what the classification of the material that is being publicly quoted might be?

**Mr Jones**—Not necessarily, no.

**Senator FAULKNER**—The Prime Minister was quoting from an ONA report on 8 November 2001. What about that case?

**Mr Jones**—When reading the report anyone can see that some material is sensitive because the source is indicated. Other material may not be so sensitive.

**Senator FAULKNER**—When was the last occasion an ONA report was publicly quoted from by a government minister or Prime Minister?

**Mr Jones**—I do not recall.

**Senator FAULKNER**—Has one ever been quoted from before?

**Mr Jones**—I do not know the answer to that. It has not occurred in my time at ONA, but I do not know about before that. I am advised that there has been at least one other case.

**Senator FAULKNER**—What year was that?

**Mr Jones**—It was in the mid-1980s.

**Senator FAULKNER**—What security classification did that report have? Can you say publicly? Is the classification secret?

**Mr Jones**—We do not remember.

**Senator FAULKNER**—Were you aware that the Prime Minister was going to quote from that ONA report at the Press Club?

**Mr Jones**—No.

**Senator FAULKNER**—No-one contacted you?

**Mr Jones**—No.

**Senator FAULKNER**—No-one from the department or the Prime Minister's office?

**Mr Jones**—No.

**Senator FAULKNER**—Bolt from the blue, was it?

**Mr Jones**—Yes.

**Senator FAULKNER**—Have you expressed a view on behalf of ONA as to whether you believe it is appropriate for that report to have been quoted from publicly?

**Mr Jones**—No.

**Senator FAULKNER**—Have you been asked for a view?

**Mr Jones**—No.

**Senator FAULKNER**—Do you have a view?

**Senator Abetz**—Once again, that is not a matter for the official to answer.

**Senator FAULKNER**—This is an important issue, with respect, Minister. The report has a security classification that cannot be properly given to this committee because the classification code name itself is secret, but it is being quoted from publicly at the Press Club. We will get to the basis of the report at a later stage.

**Senator Abetz**—I think the official has indicated to you that just because a report has a particular classification does not mean that all the contents of that particular report necessarily require that classification to be applied to it. The official has just confirmed that.

**Senator FAULKNER**—That is nonsense, but I do not want to be—

**Senator Abetz**—I can assure you that the official just agreed with my summation. If you want to say that both the official and I are talking nonsense, that is fine.

**Senator FAULKNER**—I will depend on the answers I am receiving to my questions from the official, thank you.

**Senator Abetz**—You get your answers through me.

**Senator FAULKNER**—Mr Jones, why was it considered necessary to read from a classified ONA report on this occasion?

**Mr Jones**—I am not in a position to answer that question.

**Senator FAULKNER**—At what point did you realise that your ONA report 226/2001, which is identified in Ms Bryant's report, as you would be aware, and your assessment of the 'children overboard' incident was incorrect?

**Mr Jones**—I would like to make a preliminary observation to clarify your question. Our report was not an assessment of the ‘children overboard’ incident. Our report was one of a series of periodical reports on people smuggling and it mentioned the ‘children overboard’ incident in one part of it, for a purpose not related to reporting that incident, along with a number of other things about developments in the people smuggling issue in the region and more broadly. It was not a report about the ‘children overboard’ incident.

**Senator FAULKNER**—I appreciate that distinction; that is helpful information. Let me recast my question having heard that distinction. When did ONA become aware that its assessment of that element of ONA report No. 226/2001, which dealt in some way—even tangentially—with the ‘children overboard’ incident, was incorrect?

**Mr Jones**—The first time we became aware that there was a question about whether the children were thrown overboard was on 7 November, when that media report first appeared.

**Senator FAULKNER**—Was there any attempt made on 7 November to correct the information contained in that report?

**Mr Jones**—At that stage, of course, we did not know whether the media report was right or wrong. All we knew at that stage was that a question had arisen about whether or not that story about the children being thrown overboard was true.

**Senator FAULKNER**—But that element of your original report was based on ministerial press releases, wasn’t it?

**Mr Jones**—Yes. Perhaps I need to explain what that element of our report was, if it would be helpful in understanding what we are talking about.

**Senator FAULKNER**—If you feel you are able to, Mr Jones—that is a matter for you. I do not want you to provide information to this committee that you are not comfortable with. I am dealing with process issues here.

**Mr Jones**—Sure, but I think it would be helpful for the committee to understand what we are talking about here because, in any case, it is mentioned in part in Ms Bryant’s report. The reference in our report to the children overboard was not intended to provide information about the incident to ministers because, after all, they had already made statements about it, including the reference to ‘children overboard’. Our report was not conveying new information. It was intended to identify a series of techniques or devices that had been reported as having been used in this case by the asylum seekers in order to advance their interests, and to convey the information that similar techniques had been used in other cases of this kind in other parts of the world. We gave some detail on these other instances. This was the point of the reference in our report to the ‘children overboard’ issue.

We were therefore drawing on material which was already in the public domain, as a result of the statements by ministers, to say in effect that, ‘In this case this, this and this happened.’ As you can see in Ms Bryant’s report, a little bit of what we went on to say is mentioned in the middle of page 8. We went on to provide other examples of cases where similar techniques had been employed including, as you can see, cases where boats had been intercepted by the Italian navy. That was what our report was talking about when it mentioned the ‘children overboard’ incident.

**Senator FAULKNER**—Did subsequent ONA reports refer to this incident?

**Mr Jones**—No, they did not.

**Senator FAULKNER**—Was the Prime Minister informed about the inaccuracy and/or misuse of the report and, if so, when?

**Mr Jones**—The question of the accuracy of the claims about children being thrown overboard was being pursued elsewhere, not by ONA. Nor were we, as I pointed out earlier, the original source of that information. We were simply listing a series of devices used by asylum seekers to identify the sort of behaviour which had occurred elsewhere. This was not the source of the information to ministers about this incident.

**Senator FAULKNER**—So you are saying to us that there was no intention on the part of ONA, in this report to government, to comment at all on the particular incident with SIEV4. This only appeared tangentially in the report in a list of devices that might be being used by people smugglers, did it?

**Mr Jones**—It was a section of the report which reported that the incident had happened, but this was not news because it was already known to have happened. The list of events that had occurred in the course of the incident was mentioned in order to make the point that similar devices had been used by asylum seekers in other parts of the world.

**Senator FAULKNER**—And that is the only point that was being made?

**Mr Jones**—That was the point that we were trying to make. I accept that we should have indicated the source for that list of steps taken by the asylum seekers on board the vessel. We should have indicated that this information was based on reports of statements that ministers had made. The fact that we did not could lead people who read our report to believe that this was being provided as new information.

**Senator FAULKNER**—‘Some people’ being the Prime Minister.

**Mr Jones**—No, the Prime Minister had already made a statement conveying that information the day before our report was published. Our report was published on 9 October and the ministerial statements were made on 7 and 8 October.

**Senator FAULKNER**—For the purposes of the record, what do you mean by ‘published’?

**Mr Jones**—Conveyed to the ministers who receive it. As I said, I can understand that ministers receiving it could have interpreted it as confirmation of the information that they had already from other sources.

**Senator FORSHAW**—The Prime Minister could have done that, couldn't he, given his own statement on 8 October?

**Mr Jones**—Yes, he could, but he could have interpreted it as confirming what he had been told elsewhere. As I said, we should have indicated the source for that list of devices used by the asylum seekers.

**Senator FORSHAW**—You just said that it was not doing that because ministers and the Prime Minister had already made statements.

**Mr Jones**—And it was not new information, that is right. Nonetheless—and Ms Bryant made this point and I agree with her—they could have seen our report as confirmation of the information which had already been provided to them. If we had indicated sourcing for the list of devices used by the asylum seekers, that confusion would not have arisen.

**Senator FAULKNER**—Mr Howard quoted the sentence:

Asylum seekers wearing life-jackets jumped into the sea and children were thrown in with them.

Are these quotes from the Press Club or the *7:30 Report*?

**Mr Jones**—It was the Press Club.

**Senator FAULKNER**—In answers to questions at the Press Club, that is right.

**Mr Jones**—Yes.

**Senator FAULKNER**—It may have been Fran Kelly from the *7:30 Report* who asked the question. Mr Howard continued quoting:

Such tactics have previously been used elsewhere, for example, by people smugglers and Iraqi asylum seekers on boats intercepted by the Italian Navy.

**Mr Jones**—Yes.

**Senator FAULKNER**—Those two sentences, I suppose, go to the issue of SIEV4. It is fair enough to say that, isn't it?

**Mr Jones**—Yes.

**Senator FAULKNER**—How long is this ONA report?

**Mr Jones**—A page and a half.

**Senator FAULKNER**—Do any other sentences go to that issue, or is that it?

**Mr Jones**—No, there are other sentences that go to that issue too.

**Senator FAULKNER**—How many?

**Mr Jones**—Another two.

**Senator FAULKNER**—So there were four sentences in this report that went to the SIEV4 incident?

**Mr Jones**—Yes. There is another one related to it which is—

**Senator FAULKNER**—And they were not quoted. What sort of security classification would they have had? What security classification did these have? Is it a secret security classification that you cannot tell us about?

**Mr Jones**—No. We do not attribute classification to individual parts of the report. If there is a highly sensitive piece in the report somewhere, then the report as a whole carries that classification. Some agencies classify sentences at different levels but our report is classified as a whole. This information was already in the public domain as a result of the statements that had been made prior to the publication of our report.

**Senator FAULKNER**—And the other couple of sentences contained information not in the public domain, did they?

**Mr Jones**—No, they were essentially factual about setting up the information about the incident—that is to say that it happened, that the *Adelaide* was involved, and so on, plus another sentence which was sensitive relating to the origin of the vessel.

**Senator FAULKNER**—And this was generated internally on what day? We know it was received by the PM on 9 October.

**Mr Jones**—Yes, it was produced on 9 October. Some drafting would have been done the day before, but it was finalised in the office around lunchtime on 9 October.

**Senator FAULKNER**—When was the Prime Minister or his office informed that the information on which this report was based was based solely on ministerial statements as reported in the press?

**Mr Jones**—The answer to that comes in two parts. The first advice to them was on 7 November and that was still tentative because we needed to do more research to provide a more confident answer. That more confident answer was provided on 12 November.

**Senator FAULKNER**—So there was some preliminary advice that went on 7 November?

**Mr Jones**—Yes.

**Senator FAULKNER**—And that went to the normal reporting—

**Mr Jones**—That was in response to a question.

**Senator FAULKNER**—A question from whom to whom?

**Mr Jones**—From Miles Jordana to me.

**Senator FAULKNER**—Not Miles Jordana again! He is pretty active around this time trying to get to the bottom of this.

**Mr Jones**—Yes.

**Senator FAULKNER**—He asked ONA on 7 November what, Mr Jones?

**Mr Jones**—He telephoned me and asked whether ONA had published any reports containing references to children having been thrown overboard in this incident.

**Senator FAULKNER**—What time does that telephone call come through? No doubt it was documented.

**Mr Jones**—It was latish in the afternoon of 7 November.

**Senator FAULKNER**—That figures. Who does that go to?

**Mr Jones**—The question? To me.

**Senator FAULKNER**—How did you respond, Mr Jones?

**Mr Jones**—I said that I would check and get back to him, which I did.

**Senator FAULKNER**—When did you check and when did you get back to him?

**Mr Jones**—I checked right away and got back to him later that evening.

**Senator FAULKNER**—What time did you get back to him later that evening?

**Mr Jones**—I think it was probably around 7 o'clock—some time like that.

**Senator FAULKNER**—What were you able to say to him?

**Mr Jones**—I said that I had found a report which referred to the 'children overboard' incident.

**Senator FAULKNER**—Was that report 226/2001?

**Mr Jones**—Correct. I made the point that it was published on 9 October and that the statements by several ministers about this incident had been made on 7 and 8 October, and therefore the ONA report could not have been a source of the information used in their statements—a point which I note is also made at the bottom of page 12 of Ms Bryant's report. I told him that we had not been able to identify fully the source of the information in the report on the 'children overboard' question and that we were continuing research on that. I said that it could have been based on ministers' statements but there may also have been Defence reporting for which we were still searching.

**Senator FAULKNER**—Was that the only published report that you were able to inform Mr Jordana about?

**Mr Jones**—It was the only report in which we referred to the ‘children overboard’ incident.

**Senator FAULKNER**—Did Mr Jordana indicate to you that Mr Howard was likely to quote from this at the Press Club the next day?

**Mr Jones**—No. I do not remember that he was in touch with me again that day after I sent him the note forwarding the report and the observations I just made to you.

**Senator FAULKNER**—Did any of your observations to Mr Jordana go to the accuracy of the claims about ‘children overboard’?

**Mr Jones**—No. We had no additional information on that subject. The only point I made to him which could come within the ambit of your question is the point I mentioned to you earlier on the origin of the information in our report about children having been thrown overboard. I said that we were not able to identify the source of the information in the report, though it could have been based on the ministers’ statements but there may also have been Defence reporting for which we were still searching.

**Senator FAULKNER**—Why couldn’t you identify the source of the information?

**Mr Jones**—We needed to go back through the material that had been used. This was close to a month later. We have a large database and it is not easy to access the material on which we were drawing. So the analyst needed to work back through his holdings and identify what he was basing his work on. It is just a research task.

**Senator FAULKNER**—So this was done via a telephone communication with Mr Jordana?

**Mr Jones**—No.

**Senator FAULKNER**—I thought you said via the telephone.

**Mr Jones**—He telephoned me to ask the question. I replied to him by a faxed note.

**Senator FAULKNER**—At approximately 7 p.m. on the 7th?

**Mr Jones**—In the evening of the 7th, yes.

**Senator FAULKNER**—In relation to this timeframe, what is the next contact with either those you publish to or specifically with the Prime Minister’s office on this issue?

**Mr Jones**—November 12, back to the Prime Minister’s office to confirm that the reference to children being thrown overboard was indeed based on the ministerial statements, along with Defence reporting which suggested to us that it was quite plausible that this could have happened.

**Senator FAULKNER**—How was that communication—

**Mr Jones**—It was a note to the Prime Minister’s office.

**Senator FAULKNER**—A note under your signature?

**Mr Jones**—Yes.

**Senator FAULKNER**—Let us be absolutely clear on the elements contained in that note.

**Mr Jones**—It was the further advice on the source of the reference in our report to children having been thrown overboard. The further advice was that—and this is referred to in the

Bryant report—ONA did not have independent information on the incident involving the *Adelaide* and the asylum seekers' vessel, that ministers had already stated publicly that children had been thrown in the sea and that our understanding was that their statements had been based on information provided ultimately from the scene of the incident at which only asylum seekers and the Navy were present.

**Senator FAULKNER**—Is it unprecedented for ONA reporting to be based solely—some of it—on press reports or from ministerial releases?

**Mr Jones**—Again, I would like to answer that in two parts. No, it is not unprecedented. We draw on media and open source reporting quite a lot in our work, just as we draw on intelligence and diplomatic reporting, but open source material is a significant source of information on which we draw. A substantial part of our work is synthesis of information, drawing together information on what is going on and packaging it in a way that makes it accessible to ministers. So open source is a significant contributor. We are very careful about attribution. Normally, if we are using media information, we would say, 'A media report suggests that ...' or, 'There are media reports saying such and such.'

**Senator FAULKNER**—Given that Mr Jordana had contacted you on the 7th, I am surprised that it took until the 12th for this advice to be progressed through to the Prime Minister's office. It is a handy because that just happens to be after the federal election.

**Mr Jones**—The information I gave him on the 12th was consistent with the information I had given him tentatively on the 7th. There was no change, in fact, from the information I had given him on the 7th. It was more definite, that is all. What I said on the 7th was that it could have been based on ministers' statements but there may have also been Defence reporting. The time in between the 7th and the 12th was partly the weekend of the election and the rest was the time it took us to suss out the issue of the Defence reporting which had been available to us.

**Senator FAULKNER**—So you claim that the advice you gave on the 7th is very little different from the advice you gave on there 12th. Is that what you are saying? You are a little more definitive about the Defence reporting, are you?

**Mr Jones**—We are more definitive on the 12th about the fact that the ministerial statements were the basis of our reference to children overboard but that there was Defence reporting of a certain kind which seemed consistent with that.

**Senator FAULKNER**—So what you are basically saying is that on the evening of the 7th, the Prime Minister's office is apprised by you of the ONA report. I think you reminded Mr Jordana of the fact that it was published earlier; is that right?

**Mr Jones**—He rang to ask whether ONA reporting had referred to children having been thrown overboard.

**Senator FAULKNER**—And your response was—

**Mr Jones**—'There was one report, and here it is.'

**Senator FAULKNER**—But that reporting could have been based on ministers' statements?

**Mr Jones**—Yes, that is correct, and we were still researching the source.

**Senator FAULKNER**—So, in other words, the Prime Minister's office was informed, made aware, before the Prime Minister quotes publicly from the classified ONA report—with



a secret classification—of the inherent internal weaknesses in ONA's only published report. That, in small part, covers this matter; is that correct?

**Mr Jones**—He was aware that we were uncertain about the origin of the reference to the 'children overboard' and that it may have been based on ministers' statements.

**Senator FAULKNER**—You reinforce with the Prime Minister's office the uncertainty about this issue but regardless of that—having given formal, faxed advice to the Prime Minister's office—it went to Mr Jordana, did it?

**Mr Jones**—Yes.

**Senator FAULKNER**—Regardless of the fact that advice has been received from ONA, Mr Howard quotes from that advice at the Press Club. That is the situation.

**Mr Jones**—Is that a question to me?

**Senator FAULKNER**—Yes, I am trying to sum up the situation.

**Mr Jones**—He was stating a fact, I guess, that there was an ONA report that said what he said.

**Senator FAULKNER**—Yes, he was stating that fact, but he was not stating that he had had the contact form Mr Jordana the night before, was he? He was not stating the fact that the Prime Minister's international adviser rang you in the afternoon of 7 November to check some of these matters out; and he was not stating the fact that you informed Mr Howard's office, by faxed communication, about the weaknesses in the ONA report. That wasn't said, was it?

**Mr Jones**—I wasn't at the Press Club.

**Senator FAULKNER**—So this is a stitch-up a couple of days before the election. What we have here exposed is the fact that the Prime Minister's office was made aware—

**Senator Abetz**—Spare us the speeches! This is for questions, Mr Chairman.

**Senator FAULKNER**—It was made aware of the witnesses in the ONA report—

**Senator Abetz**—If he wants to give a homily, he can go outside. This is for questions, not for speeches. If you do not have any questions, can we move on?

**Senator FAULKNER**—We have plenty of questions.

**Senator Abetz**—Then ask them.

**Senator FAULKNER**—We now know—

**Senator Abetz**—Is it a question? If it is a statement—

**Senator FAULKNER**—Minister, can you indicate to the committee that it is a fact that at the Press Club at lunchtime on 8 November, two days before the election, the Prime Minister quoted from an ONA report dated early October and that the Prime Minister's office had identified contained serious weaknesses the evening before?

**Senator Abetz**—You are trying to string a lot of assumptions together that do not necessarily follow.

**Senator FAULKNER**—Minister, I know you have not been concentrating. That is based on the evidence that has been provided to this committee by Mr Jones.

**Senator Abetz**—No, you are trying to verbal Mr Jones to allow you to make some highly charged political conclusions. Mr Jones has not agreed with you and, because he did not agree with you, you had to go into this homily to try to grab a headline.

**Senator JACINTA COLLINS**—On a point of order: Mr Chairman, we have just dealt with the matter of Senator Faulkner making speeches, and you are now allowing the minister to make a speech. A clear question was directed to the minister and he has not answered it.

**Senator Abetz**—It has been answered.

**Senator FAULKNER**—The ONA identified to the Prime Minister's office a month-old report, because that was the only report in existence. That is correct, is it not, Mr Jones?

**Mr Jones**—Yes.

**Senator FAULKNER**—You identify that to Mr Jordana. Was ONA aware of the public questioning of this incident—both the false claims of children being thrown overboard and even perhaps the fact that the photographs that were published did not relate to that incident—given that this had been going on for a considerable period of time right through that month?

**Mr Jones**—You asked me a different version of that question earlier, and my answer was that the first occasion on which we became aware that there was a question about whether or not the children had been thrown overboard was on the morning of 7 November when the media report appeared.

**Senator FAULKNER**—Would you say that the advice that you passed to Mr Jordana in relation to this particular incident was unconditional?

**Mr Jones**—Sorry?

**Senator FAULKNER**—Was it conditional or unconditional advice?

**Mr Jones**—I am sorry, I do not understand 'in relation to the incident'.

**Senator FAULKNER**—Didn't you indicate to Mr Jordana that, in relation to this particular question, the information could have been based on ministers' statements or Defence reporting? You qualified the ONA advice. You made it very clear to Mr Jordana that those weaknesses applied to the ONA report of the 7th.

**Mr Jones**—I said to him that we were not able to identify the source of the information used in the report, that it could have been based on ministerial statements but that there may also have been Defence reporting for which we were still searching. In other words, we were not confident of the source.

**Senator FAULKNER**—You were not confident of the source.

**Mr Jones**—No.

**Senator FAULKNER**—But Mr Howard said on *Lateline* on 8 November:

I repeat the advice I received from ONA was unconditional. There's nothing I can add to that.

That was wrong, Mr Jones.

**Mr Jones**—He is referring it to the ONA report, and that is—

**Senator FAULKNER**—No. He is referring to the advice he received, and he did receive the report.

**Senator Abetz**—And the advice.

**Senator FAULKNER**—Look, don't try and run your bullyboy tactics here.

**Senator BRANDIS**—Point of order, Mr Chairman. This witness cannot be asked to comment on whether what the Prime Minister may have said, in a context that he has not even been given, was right or wrong. The witness can be asked about his own conduct and about his own assessments, but he is not a commentator on either the accuracy or the motives of ministers.

**CHAIR**—I think that is right, Senator Faulkner.

**Senator Abetz**—Perhaps I can just clarify for the record that Mr Jones's evidence has not suggested that the ONA at that stage were questioning the advice that was in that previous document. All they were questioning was the source of that information, and they were unsure whether it came from ministers or from Defence reporting. Is that right?

**Mr Jones**—Yes.

**Senator Abetz**—Mr Jones is confirming it.

**Senator FORSHAW**—Mr Chairman, I think you ruled rather quickly on Senator Brandis's interjection. The question from Senator Faulkner, as I understand it, was not asking Mr Jones to give advice. He was being asked about the comment that was made by the Prime Minister that referred to ONA advice—and there is a distinction between the two.

**CHAIR**—But still, Senator Forshaw—

**Senator FORSHAW**—He was not being asked to give advice; he was being asked about whether or not the comments of the Prime Minister, in effect, were an accurate reflection of the advice given by the ONA. That is a perfectly legitimate question.

**CHAIR**—In any case, Senator Forshaw, my understanding is that it is not appropriate for Mr Jones to reflect on what the Prime Minister may have thought or said.

**Senator FORSHAW**—He is not asking him to reflect on it at all. Don't you understand that?

**CHAIR**—No, that is consistent, Senator Forshaw.

**Senator FAULKNER**—I am not quite sure what the point of that was, Mr Chairman; but, anyway, moving right along—

**CHAIR**—Bear with me, Senator.

**Senator FAULKNER**—I am trying to. Mr Jones, did anyone think that at some point it might be worthwhile telephoning Defence to try and check that second element of this? I appreciate the evidence you have given about ministerial statements and, yes, of course your officers can check the material at hand. But did anyone think it might be worthwhile checking with Defence about the veracity of these claims?

**Mr Jones**—At which stage?

**Senator FAULKNER**—At any stage.

**Mr Jones**—We certainly checked with Defence when we were providing the advice to Miles Jordana about the source of our reporting, but we were not able to get a clear answer at that point in the time available. Until that day, there was not a question in our minds about the claims about children being thrown overboard. We had no basis for questioning that.

**Senator FAULKNER**—So at any point was Defence contacted to check this?

**Mr Jones**—They were contacted on 7 November, when we were trying to establish the source of our reference to children overboard in the report of 9 October.

**Senator FAULKNER**—So you contacted Defence on 7 November. Do you recall where you went in Defence?

**Mr Jones**—I do not know who the analyst spoke to, but I understood that he contacted people in Defence.

**Senator FAULKNER**—Do you know what the import of the Defence advice was on 7 November?

**Mr Jones**—As I remember, he was not able to get an answer that helped us.

**Senator FAULKNER**—Could you perhaps explain that a little more?

**Mr Jones**—We were trying to establish what information our analyst would have been drawing on when he produced the draft of the report of 9 October, and he was seeking to refresh his memory of what documentation would have been available to him at that time. I understand that he spoke to Defence in the course of trying to establish that, but he was not able to obtain at that point material that was of great assistance to him.

**Senator FAULKNER**—So your analyst was contacting Defence to see whether he or she could be assisted with the material on which that original assessment may have been based.

**Mr Jones**—Yes, correct.

**Senator FAULKNER**—And only that.

**Mr Jones**—Yes.

**Senator FAULKNER**—Was any other contact made with Defence to try and establish the veracity of the claims around this issue?

**Mr Jones**—Not that I recall, no. The reason for that is that this really was not an issue for ONA to pursue. Our mandate relates to external issues. Activities of the ADF are not part of the terrain that we normally cover. That was why our reference to the incident itself was somewhat tangential. The information we were trying to convey was related to the experience in other countries of similar incidents. We do not report on things that the ADF is doing, for example.

**Senator FAULKNER**—Sure, I appreciate that, but equally—as you have made very clear to us—for the best part of 20 years, you have not had one of your reports quoted from publicly either, have you?

**Mr Jones**—We have covered that ground already.

**Senator FAULKNER**—But you have not.

**Mr Jones**—The last time seems to be in 1985, yes.

**Senator Abetz**—Under a Labor regime: would that be right?

**Mr Jones**—Whoever was in government in 1985, yes.

**Senator FAULKNER**—You can by all means provide the example that occurred at that time. What has happened in ONA as a result of the aftermath of this issue? I wonder whether you might share with us whether there have been any internal reviews or other processes that might be put in place. Frankly, I have to say, Mr Jones, this does appear to be close on a debacle, and many people have interpreted it as such—and that may or may not be fair, but whether—

**CHAIR**—Is that a question?

**Senator FAULKNER**—It is a question, yes. I have asked what has happened in ONA as a result of these experiences. If they are not a debacle, Mr Chairman, I hope that Mr Jones would accept that they are less than satisfactory.

**Mr Jones**—I do not think ‘a debacle’ is a fair observation. But I did say to you earlier that I believe certainly we should have indicated source attribution for the reference to the children being thrown overboard and the other aspects of that incident.

**Senator FAULKNER**—In the original report.

**Mr Jones**—In the original report, yes.

**Senator FAULKNER**—But you did tell Mr Jordana on the evening of 7 November about your concerns in that regard?

**Mr Jones**—I mentioned that we may have based—

**Senator FAULKNER**—Better late than never, I suppose.

**Mr Jones**—Yes, but I think we should have done it in the report itself. You ask what we have done in ONA. I have had a number of meetings with staff to underline the importance of source attribution. As I said earlier, we are normally very conscientious about that. But I have underlined it again, as well as the importance of evaluation of material that we are using.

**Senator FAULKNER**—Have there been any disciplinary consequences?

**Mr Jones**—No.

**Senator FAULKNER**—Any operational consequences?

**Mr Jones**—Do you mean in the way we operate, in the way we work?

**Senator FAULKNER**—Yes.

**Mr Jones**—I think all of us have been very careful as we do our normal work on material to make sure that we are not repeating this kind of oversight. But perhaps I could just say, not in excuse but in explanation, that one has to put oneself in the environment at the time the report was written, and it was one in which these elements of the incident were in the public domain, in the media and elsewhere, and generally regarded as commonplace information. In as much as there was an explanation for the nonattribution of that information, it was that it was commonplace material that everybody knew about. I, myself, do not think that that is sufficient, and I accept responsibility for not having had the attribution included in the report.

**Senator FAULKNER**—The ONA is Australia’s prime intelligence analysis and reporting agency—I am sure you would agree with that—and it has, in relation to report No. 226/2001, based an element of that report on ministerial statements or press releases.

**Mr Jones**—Yes.

**Senator FAULKNER**—Most people would find that quite extraordinary, I think, for an agency that has the exceptionally important role that ONA has. I do not think that is unfair, is it?

**Mr Jones**—I have already made observations that I think bear upon that. First of all, we were not conveying this information to ministers as new information as they already had it and it was in the public domain; we were conveying it in order to lead on to a point that was new information about similar techniques being used elsewhere. That is the first thing. The second thing is that I have said to you already that we should have attributed it, and I accept that.

**Senator FAULKNER**—Have you had any contact in the last fortnight on this same issue from Mr Jordana or the Prime Minister's office?

**Mr Jones**—Yes, I talk to Mr Jordana quite a lot in the course of normal business.

**Senator FAULKNER**—That is fair enough. He is the Prime Minister's international adviser, and I am not critical of that. My question went to this particular issue.

**Mr Jones**—Yes, I have.

**Senator FAULKNER**—Could you share with us the nature of that communication?

**CHAIR**—Senator Faulkner, just on a totally different subject: we have about three-quarters of an hour or so to go, and we are with ONA and there is still a fair way to go. I wonder whether we could perhaps release certain officers, for example, from the Audit Office and the Public Service and Merit Protection Commission. I do not think we are going to get there tonight. It is your call, but I think that you could accept that that is so.

**Senator FAULKNER**—I do not want to see officers sitting here all night. I know that Senator Murray was keen. From my own point of view—

**Senator MURRAY**—I can put a question on notice, if that would assist.

**CHAIR**—That would assist, Senator Murray.

**Senator FAULKNER**—I will do the same too, if that assists you, Mr Chairman. That is for the PS&MPC. Tonight I do want to get to the Inspector-General—I am sorry, Mr Blick—and I know that Senator Evans does too. Can you facilitate that for us? I will try and not delay this too long with Mr Jones.

**Senator MURRAY**—Let us just be clear as to who is going: the ANAO and—

**Senator FAULKNER**—Senator Collins and my colleagues here can live with OSW not being called on this occasion, and we will place questions on notice.

**Senator Abetz**—Thank you for your cooperation. That is most helpful.

**CHAIR**—I think the Audit Office will be called tomorrow morning.

**Senator FAULKNER**—I notice that is Senator Brandis's bailiwick. I have indicated I will tap the mat on the Audit Office. I would not want to get in the way of Senator Brandis's attack on Centenary House. I look forward to it.

**Senator BRANDIS**—Perhaps they can be called tomorrow morning.

**CHAIR**—Let us do a quick roll call as I do not want there to be any misunderstanding about the program. We will do the Audit Office tomorrow morning at 9 a.m and, as there are no questions to the Office of the Commonwealth Ombudsman—

**Senator Abetz**—Just so we are clear: that will delay Finance.

**CHAIR**—Yes, it will.

**Senator FAULKNER**—The other alternative is that Senator Evans—as he has just indicated to me—could do the Inspector-General also tomorrow morning.

**Senator Abetz**—Can I just confirm that Finance and Administration will only go tomorrow and not spill over into Friday?

**Senator FAULKNER**—Yes, that is true.

**Senator Abetz**—If you take up time—

**Senator FAULKNER**—Yes, that is appreciated.

**Senator Abetz**—I just want to make it clear.

**Senator FAULKNER**—I think we are all across that. How do colleagues feel about that?

**Senator MURRAY**—I am content. I will repeat that my stuff on Public Service and Merit can quite easily be on notice.

**Senator CHRIS EVANS**—I indicate to the Chair that I think the Inspector-General will take some time. I would think there would be an hour or so in it. I just indicate that in case you were trying to finish it tonight.

**CHAIR**—No, okay.

**Senator FAULKNER**—You make that call, Mr Chairman. From our point of view, if it assists the committee, you can put that on tomorrow morning. But we still have more time to go with ONA, I am afraid.

**CHAIR**—Sure. Senator Evans, thanks for that. Let me just go through it again: the Audit Office will be tomorrow at nine followed by the Inspector-General. There are no questions to the Commonwealth Ombudsman and questions to the Public Service Merit Protection Commission will go on notice. The ONA will continue tonight and questions to the Office of Status of Women will be put on notice. Is that right?

**Senator FAULKNER**—Yes, that will be right.

**Senator Abetz**—I should point out that Minister Hill is the relevant minister. I would assume it would be agreeable with his office, but he does have Environment and Heritage tomorrow, and I am not sure whether he wants to sit in on those matters. I dare say he does not.

**Senator FAULKNER**—Given that you are here tonight, that is a pretty fair indication.

**Senator Abetz**—I dare say that is the case. But I thought we should put a caveat on it that it may well be subject to the Minister Hill's agreement.

**Senator FAULKNER**—I was asking Mr Jones about further contact and recent contact with Mr Jordana. I am not interested in those other matters, which I think we have canvassed in relation to his normal functions. I am interested in this issue we are concentrating on and I think you understand that. Perhaps you could just outline that contact to the committee.

**Mr Jones**—I need advice whether I am to respond to that question.

**Senator Abetz**—This really goes to the extent of advice that may be proffered to a minister's office. I am not sure that that is—

**Senator FAULKNER**—No, hang on. Mr Jordana is the Prime Minister's international adviser. He is perfectly entitled, and I accept this, to have ongoing contact with ONA. We have been canvassing for some time Mr Jordana's contact with ONA on 7 November 2001. I am now about to explore with Mr Jones contact on that same issue over more recent times, and only that issue. I am not interested in advices to ministers on other matters. I am interested in the area that I have identified. We have dealt with it for November last year. Now I want to deal with in a more recent period. If it is out of order, it was out of order to deal with it for November last year. So I think we should perhaps just get on with it or we will be here very late. Can we now deal with it, please. Could you help us out, Mr Jones, please.

**Senator Abetz**—If you had a specific question about a particular matter—but that is a broad, trawling type of question! Quite frankly, a Prime Minister's office cannot do business

on the basis that any or every phone call, especially with an office such as the ONA, might become—

**Senator FAULKNER**—No, I am not interested in that; that is understood. Let me make it clear.

**Senator Abetz**—publicly disclosable.

**Senator FAULKNER**—So you do understand. Mr Jones, can you indicate to me whether in the last two weeks you have had contact from Mr Miles Jordana in the Prime Minister's office on the issue we have been canvassing for the last two hours.

**Mr Jones**—Yes, I have.

**Senator FAULKNER**—Thank you. I am only interested in a process issue here; I am not interested in advices to the Prime Minister. I do not see how there possibly could be any but if there were I suspect Mr Jones would not know what they are. Could you outline the nature of those communications, please.

**Mr Jones**—I had discussion with him today about issues which might arise here tonight.

**Senator FAULKNER**—Is that the only contact?

**Mr Jones**—Yes.

**Senator FAULKNER**—Well, tell us more.

**Senator Abetz**—No; it's those sorts of trawling questions which give rise to the potential to cause real problems. That is why I have asked for specific questions, and you did ask specific questions—have you had contact and when was it—and then you say, 'Tell us more.' That is about as nonspecific as you can get.

**Senator MURRAY**—It was worth a try, though.

**Senator Abetz**—It was worth a try, Senator Murray—but I am still awake.

**Senator FAULKNER**—I might say it was perfectly in order, but we will try a slightly different approach. Was this contact via the telephone, Mr Jones?

**Mr Jones**—The telephone and email.

**Senator FAULKNER**—Was it about the evidence that you might provide to the committee tonight?

**Mr Jones**—Yes.

**Senator FAULKNER**—Did Mr Jordana suggest how you might handle—

**Mr Jones**—No.

**Senator FAULKNER**—Did he ask you what you might say?

**Mr Jones**—No, I raised the issues.

**Senator FAULKNER**—You made contact?

**Mr Jones**—I made contact, yes. I got no advice on whether I should or should not do something. I got no advice telling me how to present myself tonight.

**Senator FAULKNER**—I assume that from time to time you would raise issues with a staffer from the Prime Minister's office on these sorts of matters, wouldn't you?

**Mr Jones**—Yes.



**Senator FAULKNER**—It would not be unprecedented, would it?

**Mr Jones**—No.

**Senator FAULKNER**—No, I would not have thought so. What obligation do you think is placed on ONA to ensure that the most up-to-date information is provided to those whom you publish your reports to?

**Mr Jones**—When we produce a report on a subject, we try to make it as up to date as possible. But we do not try to cover all issues all the time. So there may well be developments happening somewhere since we last wrote on it, and we will only update that when there is either something very important or some occasion that requires us to bring the latest information to the attention of ministers. It is not a day-by-day thing on all issues.

**Senator FAULKNER**—Has there been any concern expressed that those elements of the report quoted at the Press Club by Mr Howard was using ONA reporting in a political way?

**Mr Jones**—Sorry, I did not hear the first part of the question.

**Senator FAULKNER**—I was referring to the Prime Minister's quoting of a small part of ONA report 226/2001 at the Press Club and asking whether there was any reaction within the agency to the fact that the product was used in a political way—'in a political way' is my view—or in a political context.

**Senator Abetz**—That is a loaded question.

**Mr Jones**—I guess there were a range of reactions within the agency. I think it would be difficult to characterise one of them as predominant.

**Senator FAULKNER**—In this case, from the point of view of opposition senators, it looks like justifying a political stand that turned out to be flawed.

**Senator Abetz**—It is not for the officer at the table to answer or make comments on such a proposition. That is a matter for political debate but it is not within the province of the officer to comment on that.

**CHAIR**—The minister is right, I think.

**Senator Abetz**—You can issue a press release about it and dress it up, but it is not for the officer to comment.

**Senator FAULKNER**—I suspect, Minister, we will not need to issue any press release on this.

**Senator Abetz**—You just send your minions up to the press gallery to verbal them.

**Senator FAULKNER**—One thing is for sure: I do not go up myself. Senator Collins would like to ask Mr Jones some questions, if you wouldn't mind being quiet for a moment.

**Senator Abetz**—That is very rude. Any question is directed through the minister. Whether an answer is provided, Senator Faulkner, is, as you continually reminded me when you were a minister sitting at the table, for me to determine.

**CHAIR**—Thank you, Minister.

**Senator FORSHAW**—You should have taken notice.

**Senator Abetz**—I did take notice of forestry coups with coordinates in the middle of Bass Strait from departments Senator Faulkner presided over.

**Senator JACINTA COLLINS**—In his earlier comments, Mr Jones referred to Ms Bryant's report, and I think she refers to some material from Mr Jones in the report. Mr Jones, did you make a statement or were you interviewed by Ms Bryant or someone else to whom she has referred?

**Mr Jones**—No, I was not interviewed by Ms Bryant.

**Senator JACINTA COLLINS**—Were you interviewed by someone else in association with the inquiry?

**Mr Jones**—No.

**Senator JACINTA COLLINS**—Did you provide a statement that was drawn upon by the inquiry?

**Mr Jones**—No. I know what you are thinking of—page 8.

**Senator Abetz**—There is a list of witness statements and interviews.

**Senator JACINTA COLLINS**—Yes, that is what we are trying to get to the bottom of, Minister, because there are references to Mr Jones, but it does not source those references.

**Mr Jones**—In the paragraph in the middle of page 8 there is a reference to the advice provided on 12 November, to which I referred earlier.

**Senator JACINTA COLLINS**—This is the advice, which is not sourced here in this reference, that you gave to Mr Jordana, is it?

**Mr Jones**—I gave it to the Prime Minister on the 12 November.

**Senator JACINTA COLLINS**—You gave it to the Prime Minister directly?

**Mr Jones**—Yes.

**Senator JACINTA COLLINS**—So this is not referring to the advice you gave to Mr Jordana?

**Mr Jones**—It went to the Prime Minister's office. The note was addressed to the Prime Minister, and I gave it to Mr Jordana.

**Senator JACINTA COLLINS**—It followed the conversation you had had with Mr Jordana?

**Mr Jones**—The conversation with Mr Jordana was on 7 November. You will remember that I said that in that exchange we had not been able to identify the source of the information in the ONA report, et cetera, and we followed that up with a note on 12 November.

**Senator JACINTA COLLINS**—This note was directed solely to the Prime Minister?

**Mr Jones**—Yes. I gave it to Miles Jordana, but it was addressed to the Prime Minister.

**Senator JACINTA COLLINS**—You have no understanding of how that information you gave to Mr Jordana addressed to Prime Minister was then conveyed to Ms Bryant?

**Mr Jones**—Yes, I do. Once I heard about the inquiry being set up, I sent copies of that note and the earlier one to Miles Jordana to Mr Moore-Wilton. I assume he passed them to the inquiry.

**Senator JACINTA COLLINS**—You are assuming that Mr Moore-Wilton conveyed that report to Ms Bryant?

**Mr Jones**—I assume that, yes.

**Senator JACINTA COLLINS**—In the information provided to Mr Moore-Wilton, did you indicate that this was material that you had conveyed to the Prime Minister via Mr Jordana?

**Mr Jones**—Yes.

**Senator JACINTA COLLINS**—The report at page 8 mentions information you had provided directly to the Prime Minister by handing a note to Mr Jordana, but the source is not cited.

**Mr Jones**—Yes.

**Senator JACINTA COLLINS**—Thank you. Obviously that is a question to be put to another person on another day.

**Mr Jones**—As I say, I sent that material to Mr Moore-Wilton.

**Senator JACINTA COLLINS**—With the explanation that it had previously been provided to the Prime Minister's office via the handing of the note to Mr Jordana.

**Mr Jones**—I just told him it was a note I had sent to the Prime Minister.

**Senator JACINTA COLLINS**—You did not indicate how.

**Mr Jones**—No.

**Senator FAULKNER**—Was it handed to Mr Moore-Wilton in the context of Ms Bryant's report?

**Mr Jones**—Yes, it was. It was sent to Mr Moore-Wilton when I received advice from him that the inquiry had been established.

**Senator FAULKNER**—You would be able to confirm for us that no mention of this note appears in the report.

**Mr Jones**—Which note?

**Senator FAULKNER**—Let us be clear. Which note did you hand to Mr Moore-Wilton?

**Mr Jones**—I sent him the notes from 7 and 12 November.

**Senator FAULKNER**—I am talking about the note of 7 November. Mention of the note of 12 November does appear in Ms Bryant's report. That is right, isn't it?

**Mr Jones**—Yes.

**Senator JACINTA COLLINS**—Unsourced.

**Senator FAULKNER**—But there is no mention of the note of 7 November in Ms Bryant's report. I could not find one.

**Mr Jones**—Not that I have seen.

**Senator FAULKNER**—That is another hole in the report. Thanks to your evidence we know that this note was not handed to Ms Bryant but to Mr Moore-Wilton, who has left the committee room because we have completed the departmental elements of Department of the Prime Minister and Cabinet. So we do not know what happened. Did you raise it with him subsequently?

**Mr Jones**—No.

**Senator FAULKNER**—With Ms Bryant?

**Mr Jones**—No.

**Senator FAULKNER**—You did read the report?

**Mr Jones**—Yes.

**Senator FAULKNER**—Didn't you wonder why it did not appear there?

**Mr Jones**—Not particularly.

**Senator FAULKNER**—You did not think it was germane? This is the third thing that has been identified in relation to Mr Jordana that does not appear in the report. You did not find that at all remarkable?

**Mr Jones**—No, not particularly.

**Senator FAULKNER**—Why not?

**Mr Jones**—I was not re-opening the issues in the report in my mind, as it were.

**Senator FAULKNER**—Does this report really accurately reflect ONA's role in these matters or does it leave out vital information that is in the public interest?

**Mr Jones**—I think it is accurate.

**Senator FAULKNER**—It is accurate as far as it goes? It is the truth, but it is not the whole truth, is it?

**Senator Abetz**—That is not what Mr Jones said.

**Senator FAULKNER**—It is not what he has said, but I want him to comment on it. You are saying that it is the truth, but surely you would agree with me that it is not the whole truth, is it?

**Mr Jones**—It makes the key points in relation to the ONA material.

**Senator FAULKNER**—I am sorry, but it does not. It does not tell us about Mr Jordana's contact with you on the 7th and your response to him by facsimile on the evening of 7th. It is not there; it is missing. You handed the material to Mr Moore-Wilton, but it does not appear in the report.

**Senator Abetz**—And?

**CHAIR**—Is there a question?

**Senator Abetz**—No, we have had all the drama, but there is no point to it.

**Senator JACINTA COLLINS**—I think we got to the point.

**Senator FAULKNER**—I ask Mr Jones: did the ONA take any action, apart from the advice that went from you as Director-General to the Prime Minister on 12 November, after you heard the Prime Minister quoting from an ONA report at the Press Club? I know what happened on 12 November—you have been helpful in that—but did ONA take any other action apart from your advice to the Prime Minister on 12 November?

**Mr Jones**—I telephoned Miles Jordana, as I recall, on 9 November to say that some of the media reporting seemed to imply, incorrectly, that the ONA report had been the source of the original information that went to ministers, which was not in fact the case.

**Senator FAULKNER**—So you indicated to Mr Jordana on 9 November, again, that there were problems in all of this.

**Mr Jones**—No, only that I was worried about some of the media reporting.

**Senator FAULKNER**—Which media reporting?

**Mr Jones**—Some media reports following the Prime Minister's National Press Club address which misinterpreted what he said and suggested that the ONA report had been the source of the original information to ministers.

**Senator JACINTA COLLINS**—So, Mr Jones, you do know exactly what the Prime Minister said?

**Mr Jones**—No, I am saying that—

**Senator JACINTA COLLINS**—You are saying that he was misrepresented.

**Mr Jones**—I am sure that he would not have said that, because it was not the case.

**Senator FAULKNER**—Was there any outcome of your telephone communication with Mr Jordana of 9 November?

**Mr Jones**—There couldn't be.

**Senator FAULKNER**—What do you mean 'there couldn't be'?

**Mr Jones**—In the sense that I was not asking him to do anything; I just wanted him to know that I was concerned that some of the media reports had drawn that conclusion.

**Senator FAULKNER**—You would not have held him responsible for the media reports, would you?

**Mr Jones**—No.

**Senator FAULKNER**—Did you hold the Prime Minister responsible?

**Mr Jones**—No, I just wanted to make the sort of contact that one has regularly. I wanted to express concern about that. It was a misrepresentation of the role that the ONA report had played.

**Senator JACINTA COLLINS**—But you do not know that it was a misrepresentation. You have just admitted that. You do not know exactly what the Prime Minister said. You told us that earlier tonight.

**Mr Jones**—What I am saying is that the reports in the media—

**Senator JACINTA COLLINS**—Misrepresented the situation.

**Mr Jones**—Some reports in the media misrepresented the situation but there were other reports which accurately conveyed the dates.

**Senator JACINTA COLLINS**—And what you are not clear on is whether or not the Prime Minister had a role in that misrepresentation.

**Mr Jones**—No, that is not right. I believe I did have access, and if I did not say this before then I correct it now—but, as I remember, I knew what the Prime Minister had said at that point.

**Senator JACINTA COLLINS**—Oh, you did now?

**Mr Jones**—Yes.

**Senator FAULKNER**—So you rang Mr Jordana on 9 November. Was there any follow up to the Prime Minister's *Lateline* comments when, again, he relied categorically on this month-old ONA report?

**Mr Jones**—No.

**Senator FAULKNER**—What about when Admiral Shackleton made his comments on the 7th?

**Mr Jones**—No.

**Senator JACINTA COLLINS**—Do you know of any reason that it was solely Dr Kean who was interviewed in the course of Ms Bryant's investigation?

**Mr Jones**—Dr Kean was the relevant branch head.

**Senator JACINTA COLLINS**—In relation to what issue?

**Mr Jones**—Handling this issue. He was the head of the branch that produced this report.

**Senator JACINTA COLLINS**—Why was he not the one dealing with the communications with the Prime Minister's office?

**Mr Jones**—Because I did.

**Senator JACINTA COLLINS**—Why were you not providing information to this inquiry as well?

**Senator Abetz**—He can't answer that, surely.

**Senator JACINTA COLLINS**—He may know the answer—he may not. Surely, he is able to indicate that to us.

**Senator Abetz**—He would not know what was in the mind of the person conducting the inquiry.

**Senator JACINTA COLLINS**—The report itself indicates that, for instance, some people were on leave or not available during the course of this inquiry. That is one indication he could give to us. Mr Jones, were you available had you been contacted to make a contribution to this inquiry?

**Mr Jones**—Yes.

**Senator FAULKNER**—Are you aware, Mr Jones, whether the record has yet been corrected about the false statements made by the Prime Minister at the Press Club? Has it yet been corrected?

**Mr Jones**—I am not aware that there were false statements made on that occasion.

**Senator Abetz**—Once again it is a loaded question. If you ask loaded questions, you are bound to get the sorts of answers you are getting.

**Senator FAULKNER**—Did Mr Jordana indicate to you that he passed on your concerns of the 9th to Mr O'Leary? If you were worried about press reports, he is responsible for the press in the Prime Minister's office.

**Mr Jones**—He did not indicate that to me.

**Senator FAULKNER**—He didn't?

**Mr Jones**—He did not indicate that to me, but that is not to say that he did not do it.

**Senator FAULKNER**—So, as far as you know, the statements that Mr Howard made at the Press Club remain to this day uncorrected—even though there is this series of advices that go from ONA?

**Mr Jones**—I do not know that they need correcting.

**Senator Abetz**—Once again, it is not within his province to comment on that.

**Senator FAULKNER**—That is right.

**CHAIR**—If the assumption is that they need correction.

**Senator FAULKNER**—The assumption that I think Senator Abetz makes is that it is up to Mr Howard to correct them.

**Senator Abetz**—If any correcting needs to be made.

**Mr Jones**—I do not think I have the text here, but my memory is that the Prime Minister made it quite clear in his Press Club statement the date on which the ONA report was published.

**Senator FAULKNER**—Mr Jones, let us not beat around the bush here: do you now accept that the sentence—which is a direct quote, I believe, from the ONA report, because it has been publicly quoted—‘Asylum seekers wearing life-jackets jumped into the sea and children were thrown in with them’ is grossly inaccurate and is not an accurate reflection of what happened? Do you accept that?

**Mr Jones**—I simply do not know. I do not know what actually happened. I have not studied or researched it.

**Senator FAULKNER**—Have you read General Powell’s report?

**Mr Jones**—In a rather superficial way, yes.

**CHAIR**—Are there any further questions to ONA—either general or specifically relating to outputs?

**Senator JACINTA COLLINS**—There is one further issue pertaining to what we were covering on page 8 that I would like to go to. Mr Jones, do you know whether, in the interview, Dr Kean covered the nature of communications in and out of ONA pertaining to this matter?

**Mr Jones**—Sorry, in the evidence—

**Senator JACINTA COLLINS**—Did Dr Kean’s evidence to the inquiry cover the communications in and out of ONA—some of which were canvassed today, possibly not all?

**Mr Jones**—Maybe we should ask Dr Kean, who is here?

**Dr Kean**—There was no discussion nor statements made by me in relation to the communications between Mr Jones and Mr Jordana.

**Senator JACINTA COLLINS**—What was the nature of your evidence to the inquiry?

**Dr Kean**—As I recollect, it began with questions about the functions of ONA.

**Senator JACINTA COLLINS**—Was it an interview or a statement?

**Dr Kean**—It was an interview. Ms Bryant asked what ONA’s functions are and what the purpose of its product was, including the purpose of the particular ONA piece that the Prime Minister quoted from.

**Senator JACINTA COLLINS**—And at no stage did she explore with you the nature of communications on how the misunderstanding or misrepresentation of events occurred?

**Dr Kean**—No.

**Senator MURRAY**—Mr Jones, as I understand your evidence, the material you use in your assessment is incidental to the main intent of the report you are producing and you do not bother to go to a primary source; you can quite easily use a secondary source such as

public media reports. In other words, with respect to the question of the Defence view of the 'children overboard' incident, you could quite easily have accessed them as a primary source if you had felt it necessary or desirable in terms of the intent of the report. Is that right?

**Mr Jones**—It may not have been easy.

**Senator MURRAY**—Let me put it a little differently. Is there anything in your act or those regulations that cover your operation which prevents you approaching Defence if you need to?

**Mr Jones**—No.

**Senator MURRAY**—So the fact that you did not do so in this instance—if I understood your earlier evidence—is because the 'children overboard' section of that report was incidental to a general assessment dealing with the asylum seekers?

**Mr Jones**—I do not think it is accurate to say that we did not approach Defence. I do not know, but I imagine that the analyst may well have spoken to Defence about that.

**Dr Kean**—We certainly had some Defence reporting. We had access to that for the original report, but it did not substantiate the proposition that children had been thrown overboard.

**Senator MURRAY**—When you say 'Defence reporting' do you mean the actual Defence personnel who were aboard the ship and that sort of thing?

**Dr Kean**—No. As I recollect, it was from further up the chain of command. It was not first-hand reporting.

**Senator MURRAY**—So, in that sense, it was secondary?

**Dr Kean**—Yes.

**CHAIR**—Before we close I would just like to draw the committee's attention to the committee's examination of the Department of the Prime Minister and Cabinet, when Senator Hill referred to a document entitled *Other evidentiary records held and records of digital imagery passed by HMAS Adelaide via secure electronic means*. Senator Hill said that he would have this document assessed, such that there was no information of a confidential or national security matter that would stop this document being passed to the committee. He has done that and has said that there is no problem with that document being passed to the committee. Is it the wish of the committee that the document be tabled? As there are no objections, it is so ordered.

As there are no further questions to ONA, I thank Mr Jones, officers of ONA and the minister very much for their assistance to the committee tonight.

**Committee adjourned at 10.55 p.m.**



