

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Boarding of SIEV 4

QUESTION 1

SENATOR: FAULKNER

HANSARD: Page 124

In relation to the events of 7 October 2001, what, if any, communication or contact occurred between Defence and the People Smuggling Task Force?

RESPONSE

During the period 7–10 October 2001, that is, from the events on SIEV 4 on 7 October until the time the unauthorised boat arrivals from that vessel were disembarked at Christmas Island by HMAS *Adelaide*, Defence representatives attended high-level group meetings of the People Smuggling Task Force and provided oral operational updates of activities on 7, 9 and 10 October.

Specifically, the acting Director General Joint Operations and Plans, Group Captain Walker, attended meetings on Sunday 7 October. The Head of Strategic Command, Air Vice Marshal Titheridge, attended the afternoon meeting on 7 October and the meeting on 9 October. The Staff Officer Maritime Operations, Commander Davies, attended a meeting on 10 October. There was no meeting on 8 October.

A logistic/organisational inter-departmental committee subgroup of the People Smuggling Task Force met each working day during this period. Defence was represented at these meetings, which were the forums for working-level input on logistic options. During the meeting on 8 October, the Defence representative would have provided an oral operational update of activities over the weekend.

In addition, there were numerous telephone discussions of significant events between Defence and staff from the Department of Prime Minister and Cabinet and the Department of Immigration and Multicultural and Indigenous Affairs during this period.

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Boarding of SIEV 4

QUESTION 2

SENATOR: BARTLETT

HANSARD: Page 134

In relation to the events of 7 October 2001, is there any evidence of a child being retrieved from the water?

RESPONSE

There is no evidence of a child being retrieved from the water. A male youth was recovered from the water. Opinion on his age varies from 13 to 15 in the initial reports to 15 to 20, in later assessments.

Boarding of SIEV 4

QUESTION 3

SENATOR: BRANDIS

HANSARD: Page 147

Can the committee be informed as to the condition of the light at any given critical time at the incident location?

RESPONSE

While the exact condition of light cannot be fully reconstructed, a general trend for the area in which HMAS *Adelaide* was operating can be provided based on weather reports from the ship. During the incident, visibility was no less than 8km with no rain or fog in the area, the moon was waning but with no less than 71% of its visible disc illuminated, and the darkest period, which follows evening twilight and goes until moonrise, was from 2 hours 47 minutes (6 October 2001) to 4 hours 37 minutes (8 October 2001).

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

The following tables provide representative data for this assessment.

Visibility (measured as part of ship's routine activities)

Time (local)	Visibility (km)
6 October	
1300	9
1719	8
1900	9
7 October	
0807	11
1307	11
8 October	
0100	9
1300	11
9 October	
0200	10
0700	10

Sunrise/Sunset (6–8 October 2001)

Sunrise	Sunset	End Evening Civil Twilight
0539	1753	1814

Moonrise/Moonset

Date	Moonrise	Moonset	Illumination of Visible Disc	Darkest Period
6 October 2001	2010 (5 October)	0800	87% visible	1h56m
	2101	0856 (7 October)		2h47m
7 October 2001	2101 (6 October)	0856	80% visible	2h47m
	2154	0946 (8 October)		3h40m
8 October 2001	2154 (7 October)	0946	71% visible	3h40m
	2251	1040 (9 October)		4h37m

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Funding for New Operations

QUESTION 4

SENATOR: EVANS

HANSARD: Page 157-8

Could a breakdown be provided of the additional \$320 million provided to contribute to the international coalition fighting terrorism, including both operational and capital costs? (PAES 2001–02 p. 8 and 12)

RESPONSE

\$320m in additional funding for 2001-02 has been provided to meet Defence's net additional cost of providing vessels, aircraft and associated personnel in support of the war against terrorism. It comprises the following elements:

Net Additional Costs	\$m
Operating Costs:	
Deployment and travel allowances for personnel	46.2
Additional inventory consumption (eg fuel) and maintenance (including work-up costs)	73.8
Additional communications (eg increased bandwidth, satellite services)	11.5
Deployment and airlift support for all elements to area of operations	44.0
Additional health services (eg health checks and additional personnel)	3.3
Costs associated with Defence attaché positions and functions	3.9
Identified offsets from within initiatives	-2.7
Sub-total net additional operating costs	180.0
Capital Costs:	
Nuclear, biological and chemical detection equipment for all deployed ships	134.2
Electro-optic systems for all P3-C aircraft	14.9
Identified offsets from within initiatives	-9.1
Sub-total net additional capital costs	140.0
Total Net Additional Cost	320.0

Net additional costs are the additional cost incurred as a direct consequence of an operation, less any cost savings associated with the cancellation or deferment of other activities to maintain capability.

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Forward Estimates

QUESTION 5

SENATOR: EVANS

HANSARD: Page 165–6

In relation to revenue from Government for outputs, could an indication be provided of what may have driven the revised downward estimates for the out-years? (PAES 2001–02 p. 9)

RESPONSE

Government funding comes from two types of appropriations—Price of Outputs and Equity Injection.

In the development of the Additional Estimates, amounts of \$285m (2002–03) and \$175m (2003–04) were redistributed to Equity Injection from the Price of Outputs. This movement provides a more representative split between Capital and Output appropriations in light of the 2000–01 results.

As demonstrated in the table below, there has been no adverse effect on the overall Defence funding position in future years.

Increase in Defence Funding	2001-02 \$m	2002-03 \$m	2003-04 \$m	2004-05 \$m
Budget				
Price of Outputs	17,516	17,888	18,334	18,993
Capital	11	526	803	1,043
Total Appropriations (Budget)	17,527	18,414	19,137	20,036
Additional Estimates				
Price of Outputs	17,859	17,700	18,238	19,081
Capital	754	883	990	1,056
Total Appropriations (AEs)	18,613	18,583	19,228	20,137
Variance – Budget to AEs	1,086	169	91	101

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Chronology of Events Relating to SIEV 4

QUESTION 6

SENATOR: FAULKNER

HANSARD: Page 174

Could Defence advise the committee as to whom the message from HMAS Adelaide on 10 October 2001 relating to the chronological list of events was distributed?

RESPONSE

The message from HMAS *Adelaide* on 10 October 2001 was distributed initially to the Maritime Commander Australia and Maritime Headquarters Australia staff, the Commander Joint Task Force 639 (Commander Northern Command) and his staff and to units within the Joint Task Force.

Where an addressee is a group, for example Maritime Headquarters, the Subject Indicator Codes (in this case I3M/LAB) determine which authorised personnel receive the signal. The distribution is computer automated. Signals are distributed to personnel within the groups or headquarters, based upon their area of responsibility.

The HMAS *Adelaide* chronology was later received by Captain Byrne (Staff Officer to Brigadier Bornholt, Military Adviser—Public Affairs and Corporate Communication) on 10 October 2001 and passed to Brigadier Bornholt. Brigadier Bornholt then showed a copy of the message to:

- Head Public Affairs and Corporate Communication, Ms McKenry—11 October 2001;
- Chief of Air Force (then acting Chief of the Defence Force), Air Marshal Houston—7 November 2001; and
- the Secretary, Dr Hawke—9 November 2001.

Sabotage to SIEV 4

QUESTION 7

SENATOR: COLLINS

HANSARD: Page 194–5

Could Defence provide information on who sabotaged the steering equipment on SIEV 4?

RESPONSE

It is not known to Defence.

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Acquisition of Super Seasprite Helicopter

QUESTION 8

SENATOR: EVANS

HANSARD: Page 201–2

- b) Could the committee be provided with a list of payments made in relation to this contract, their dates and any anticipated payments and the dates upon which they fall due?
- c) Are there any Service personnel attached to the Command Aerospace in-service centre at Nowra?

RESPONSE

- a) Payments to Kaman have been based on earned value and milestones achieved. Approximately 53 per cent of the contract payments are based on earned value and 47 per cent on milestones.

Earned value payments are made to a contractor for work that contributes to the delivery of the end product, such as technical data, logistics support analysis and spare parts. Each earned value payment is based on the percentage completed of individual work packages which, when added together, form a complete deliverable item.

Milestone payments are made for achievement of specific points or deliveries that mark the contractor's progress through the contract. Typical examples include contract signature, achievement of preliminary and critical design reviews, equipment delivery and acceptance of an aircraft at an agreed specification standard.

All earned value and milestone payments are adjusted for inflation indices. These adjustments are called price variation payments.

Following are lists of the payments made under this acquisition contract.

The total value of earned value payments to date is A\$367.985m.

The total value of milestone payments to date is A\$295.997m.

The total value of price variation payments to date is A\$71.544m.

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Earned value payments

Date of Payment	Amount Paid in \$A
24-Dec-97	\$4,561,714.82
24-Dec-97	\$167,217.67
24-Dec-97	\$6,882,179.82
30-Dec-97	\$166,523.08
30-Dec-97	\$259,000.00
30-Dec-97	\$72,176.92
23-Jan-98	\$6,351,924.59
16-Feb-98	\$293,318.00
16-Feb-98	\$513,925.46
16-Feb-98	\$3,742,078.36
16-Feb-98	\$104,850.00
16-Feb-98	\$1,089,213.43
16-Feb-98	\$168,132.27
16-Feb-98	\$40,910.30
16-Feb-98	\$140,913.98
13-Mar-98	\$171,543.43
13-Mar-98	\$31,812.12
13-Mar-98	\$9,011.12
13-Mar-98	\$31,812.12
13-Mar-98	\$9,011.12
06-Apr-98	\$9,137,264.58
06-Apr-98	\$173,367.25
30-Apr-98	\$1,148,954.32
30-Apr-98	\$104,850.00
30-Apr-98	\$191,022.37
30-Apr-98	\$173,000.00
30-Apr-98	\$48,690.18
30-Apr-98	\$16,792.00
30-Apr-98	\$301,491.61
25-May-98	\$4,250,161.18
25-May-98	\$1,297,234.04
25-May-98	\$204,935.00
25-May-98	\$59,833.97
25-May-98	\$204,935.00
25-May-98	\$59,833.97
27-May-98	\$751,432.00
27-May-98	\$216,911.55
12-Jun-98	\$2,709,339.85
12-Jun-98	\$5,266,583.02
12-Jun-98	\$207,042.78
12-Jun-98	\$30,954.17
12-Jun-98	\$10,097.68
24-Jun-98	\$1,461,152.58
24-Jun-98	\$270,624.79
09-Jul-98	\$130,135.58
17-Sep-98	\$10,841,879.19
17-Sep-98	\$2,500,000.00

Date of Payment	Amount Paid in \$A
16-Jun-99	\$60,000.00
22-Jun-99	\$5,273,865.85
30-Jul-99	\$8,094,406.15
01-Sep-99	\$102,007.50
01-Sep-99	\$6,975,876.69
01-Oct-99	\$7,253,628.52
01-Oct-99	\$115,000.00
05-Nov-99	\$248,000.00
05-Nov-99	\$6,973,942.03
10-Dec-99	\$8,073,259.17
10-Dec-99	\$237,388.16
10-Dec-99	\$135,000.00
10-Dec-99	\$876,078.48
14-Jan-00	\$4,079,204.22
14-Jan-00	\$197,451.81
14-Jan-00	\$356,341.00
14-Jan-00	\$42,449.92
18-Feb-00	\$7,480,144.73
18-Feb-00	\$132,770.00
18-Feb-00	\$343,469.00
10-Mar-00	\$13,276,685.37
10-Mar-00	\$169,285.20
10-Mar-00	\$199,307.00
10-Mar-00	\$657,375.00
07-Apr-00	\$4,102,260.26
07-Apr-00	\$518,534.00
07-Apr-00	\$347,578.46
05-May-00	\$5,232,115.81
05-May-00	\$523,024.00
05-May-00	\$328,779.50
08-Jun-00	\$6,356,342.11
08-Jun-00	\$73,150.41
08-Jun-00	\$592,398.00
05-Jul-00	\$126,639.00
06-Jul-00	\$6,484,931.72
28-Jul-00	\$9,912,405.40
28-Jul-00	\$30,760.00
24-Aug-00	\$353,892.00
28-Aug-00	\$16,338,771.11
18-Sep-00	\$4,143,438.60
18-Sep-00	\$2,484,829.00
20-Oct-00	\$4,651,914.13
20-Oct-00	\$1,924,890.00
19-Nov-00	\$4,821,379.13
19-Nov-00	\$1,808,252.00
29-Dec-00	\$5,984,176.52
17-Jan-01	\$4,065,664.68

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Date of Payment	Amount Paid in \$A
05-Nov-98	\$261,000.00
05-Nov-98	\$6,593,810.21
26-Nov-98	\$311,312.00
03-Dec-98	\$6,864,837.07
11-Dec-98	\$10,019,348.39
05-Feb-99	\$165,000.00
05-Feb-99	\$8,210,892.46
09-Feb-99	\$105,000.00
09-Feb-99	\$9,281,401.77
05-Mar-99	\$8,266,620.24
07-Mar-99	\$125,000.00
09-Apr-99	\$45,000.00
09-Apr-99	\$6,112,641.30
09-Apr-99	\$30,739.96
29-Apr-99	\$45,000.00
30-Apr-99	\$7,525,837.34
03-Jun-99	\$139,068.00
03-Jun-99	\$62,183.90
03-Jun-99	\$9,750,117.67

Date of Payment	Amount Paid in \$A
19-Jan-01	\$5,383,548.49
19-Jan-01	\$500,000.00
10-Mar-01	\$10,082,135.27
30-Mar-01	\$4,639,674.82
24-Apr-01	\$4,298,327.52
26-May-01	\$6,842,588.88
18-Jun-01	\$2,079,262.43
18-Jun-01	\$1,000,000.00
03-Jul-01	\$4,858,510.08
19-Jul-01	\$8,244,469.45
22-Aug-01	\$6,535,187.56
18-Sep-01	\$1,909,938.04
19-Sep-01	\$58,640.97
24-Sep-01	\$3,726,150.00
15-Oct-01	\$3,606,795.00
22-Oct-01	\$3,245,692.00
20-Nov-01	\$2,697,153.12
21-Nov-01	\$1,058,675.00
18-Dec-01	\$4,168,802.88
Total	\$367,985,210.73

Milestone payments

Date of Milestone Payment	Amount Paid in \$A
30-Jun-97	\$1,758,740.46
30-Jun-97	\$2,326,134.39
30-Jun-97	\$3,720,690.67
30-Jun-97	\$4,498,350.96
30-Jun-97	\$11,475,176.01
30-Jun-97	\$42,407,286.84
11-Jul-97	\$139,800.00
11-Jul-97	\$701,223.00
11-Jul-97	\$1,077,353.00
11-Jul-97	\$1,308,355.00
11-Jul-97	\$1,530,869.00
14-Jul-97	\$1,064,035.87
14-Jul-97	\$1,223,952.27
14-Jul-97	\$2,427,757.55
14-Jul-97	\$2,836,005.93
14-Jul-97	\$11,312,868.12
14-Jul-97	\$41,042,843.85
15-Jul-97	\$14,661.21
15-Jul-97	\$14,721.04
15-Jul-97	\$106,353.97
15-Jul-97	\$121,629.83
15-Jul-97	\$163,727.77
15-Jul-97	\$382,901.32
15-Jul-97	\$984,579.71

Date of Milestone Payment	Amount Paid in \$A
29-Aug-97	\$140,364.69
29-Aug-97	\$398,839.99
29-Aug-97	\$967,790.34
29-Aug-97	\$995,111.02
29-Aug-97	\$1,619,596.29
16-Sep-97	\$104,850.00
16-Sep-97	\$178,466.00
16-Sep-97	\$70,000.00
19-Sep-97	\$17,766.57
19-Sep-97	\$57,704.92
19-Sep-97	\$146,146.84
19-Sep-97	\$225,697.53
01-Oct-97	\$76,459.09
01-Oct-97	\$78,909.52
01-Oct-97	\$145,636.69
01-Oct-97	\$312,000.00
01-Oct-97	\$338,736.40
01-Oct-97	\$1,339,332.00
01-Oct-97	\$3,726,662.94
03-Oct-97	\$113,374.74
03-Nov-97	\$156,509.07
04-Nov-97	\$3,267.00
04-Nov-97	\$10,348.52
04-Nov-97	\$40,000.00
04-Nov-97	\$104,850.00
04-Nov-97	\$154,606.48

Date of Milestone Payment	Amount Paid in \$A
04-Nov-97	\$407,153.26
04-Nov-97	\$1,056,230.55
26-Nov-97	\$159,903.64
26-Nov-97	\$266,605.34
26-Nov-97	\$79,953.28
26-Nov-97	\$79,953.28
26-Nov-97	\$119,929.91
26-Nov-97	\$119,929.92
26-Nov-97	\$60,131.40
26-Nov-97	\$230,176.71
24-Dec-97	\$1,963,010.97
24-Dec-97	\$41,696.28
24-Dec-97	\$149,000.00
24-Dec-97	\$2,695,828.83
24-Dec-97	\$8,608,414.95
23-Jan-98	\$202,148.70
23-Jan-98	\$690,444.70
16-Feb-98	\$20,010.31
16-Feb-98	\$75,000.00
13-Mar-98	\$18,238.65
13-Mar-98	\$61,893.61
13-Mar-98	\$67,000.00
13-Mar-98	\$222,787.47
06-Apr-98	\$114,723.57
06-Apr-98	\$417,000.00
25-May-98	\$1,730,083.81

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Date of Milestone Payment	Amount Paid in \$A
25-May-98	\$59,833.97
25-May-98	\$204,935.00
25-May-98	\$235,581.88
25-May-98	\$806,875.00
25-May-98	\$53,478.40
25-May-98	\$262,839.00
25-May-98	\$11,212.12
25-May-98	\$808,657.31
27-May-98	\$302,540.24
27-May-98	\$1,048,070.00
12-Jun-98	\$1,325,488.38
12-Jun-98	\$32,970.70
12-Jun-98	\$55,987.00
12-Jun-98	\$93,059.95
12-Jun-98	\$108,085.00
12-Jun-98	\$180,466.49
12-Jun-98	\$305,069.00
09-Jul-98	\$52,969.62
09-Jul-98	\$90,245.02
09-Jul-98	\$136,620.39
09-Jul-98	\$165,148.38
09-Jul-98	\$204,872.00
09-Jul-98	\$305,008.00
21-Aug-98	\$3,035,145.63
21-Aug-98	\$11,274,685.74
24-Sep-98	\$1,410,166.21
24-Sep-98	\$2,022,981.49
25-Sep-98	\$316,078.73
02-Oct-98	\$5,320,693.91
02-Oct-98	\$111,411.45
02-Oct-98	\$364,306.00
07-Oct-98	\$69,649.92
10-Nov-98	\$177,946.51
10-Nov-98	\$407,047.25
17-Dec-98	\$177,962.30
17-Dec-98	\$2,658.43
17-Dec-98	\$9,030.00
17-Dec-98	\$180,417.61
17-Dec-98	\$612,955.00
17-Dec-98	\$896,683.46
17-Dec-98	\$66,922.33
17-Dec-98	\$215,199.53
29-Jan-99	\$225,118.00
29-Jan-99	\$2,375,320.40
04-Feb-99	\$1,627,179.86
04-Feb-99	\$96,436.45
04-Feb-99	\$333,013.00
26-Feb-99	\$225,119.00
26-Feb-99	\$2,350,281.62

Date of Milestone Payment	Amount Paid in \$A
26-Feb-99	\$45,396.48
26-Feb-99	\$79,872.56
26-Feb-99	\$159,292.00
26-Feb-99	\$280,269.00
26-Mar-99	\$811,383.93
26-Mar-99	\$2,584,936.22
26-Mar-99	\$10,497,104.59
26-Mar-99	\$249,524.87
26-Mar-99	\$835,258.27
29-Apr-99	\$341,790.00
30-Apr-99	\$95,911.70
30-Apr-99	\$1,476,365.61
28-May-99	\$926,508.69
28-May-99	\$1,254,149.65
28-May-99	\$1,462,782.69
03-Jun-99	\$1,486,110.85
03-Jun-99	\$90,823.66
03-Jun-99	\$134,361.00
03-Jun-99	\$187,889.77
03-Jun-99	\$323,860.00
16-Jun-99	\$260,105.00
22-Jun-99	\$1,695,600.61
22-Jun-99	\$9,373,214.94
22-Jun-99	\$144,887.20
28-Jun-99	\$603,009.62
28-Jun-99	\$1,233,038.15
28-Jun-99	\$74,524.28
28-Jun-99	\$245,198.20
23-Jul-99	\$387,782.34
23-Jul-99	\$1,272,677.84
13-Aug-99	\$935,345.22
13-Aug-99	\$1,266,111.04
01-Oct-99	\$104,305.69
01-Oct-99	\$129,579.17
01-Oct-99	\$372,568.00
01-Oct-99	\$428,272.47
05-Nov-99	\$223,634.22
05-Nov-99	\$785,219.00
05-Nov-99	\$101,974.39
05-Nov-99	\$320,128.00
01-Dec-99	\$444,035.33
01-Dec-99	\$1,556,626.00
01-Dec-99	\$26,428.29
01-Dec-99	\$92,649.00
01-Dec-99	\$98,062.80
01-Dec-99	\$343,774.00
01-Dec-99	\$528,115.48
01-Dec-99	\$1,712,900.01
28-Jan-00	\$60,569.54

Date of Milestone Payment	Amount Paid in \$A
28-Jan-00	\$218,352.00
07-Mar-00	\$128,699.27
07-Mar-00	\$403,116.76
07-Mar-00	\$31,197.82
07-Mar-00	\$61,735.48
07-Mar-00	\$104,099.00
07-Mar-00	\$205,994.00
07-Mar-00	\$85,807.23
07-Mar-00	\$268,744.51
06-Apr-00	\$107,359.38
06-Apr-00	\$329,164.00
05-May-00	\$665,775.32
05-May-00	\$1,940,959.67
12-May-00	\$97,754.94
12-May-00	\$2,666,690.73
10-Jul-00	\$403,545.00
12-Jul-00	\$66,702.34
12-Jul-00	\$125,079.93
12-Jul-00	\$185,873.67
12-Jul-00	\$110,978.34
12-Jul-00	\$314,044.00
13-Jul-00	\$215,201.00
13-Jul-00	\$599,686.00
28-Jul-00	\$2,632,856.86
28-Jul-00	\$3,127,999.70
13-Sep-00	\$2,112,448.17
14-Sep-00	\$521,852.94
14-Sep-00	\$1,468,668.95
19-Sep-00	\$210,116.13
19-Sep-00	\$640,196.70
29-Oct-00	\$442,992.00
02-Nov-00	\$154,697.75
14-Dec-00	\$9,740.14
14-Dec-00	\$25,538.51
14-Dec-00	\$9,740.14
14-Dec-00	\$25,538.51
14-Dec-00	\$152,162.54
14-Dec-00	\$285,532.10
14-Dec-00	\$319,864.00
14-Dec-00	\$455,893.00
14-Dec-00	\$9,740.14
14-Dec-00	\$25,538.51
14-Dec-00	\$280,702.95
14-Dec-00	\$9,779.79
14-Dec-00	\$25,538.51
12-Jan-01	\$113,098.24
12-Jan-01	\$344,721.30
17-Jan-01	\$182,705.42
17-Jan-01	\$467,960.76

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Date of Milestone Payment	Amount Paid in \$A
10-Feb-01	\$1,088,729.01
10-Feb-01	\$129,959.95
10-Feb-01	\$357,924.42
03-Mar-01	\$580,990.62
03-Mar-01	\$553,601.34
03-Mar-01	\$1,588,649.00
19-Apr-01	\$10,739.51
19-Apr-01	\$26,822.30
19-Apr-01	\$146,714.43
19-Apr-01	\$398,665.00
21-Jun-01	\$10,234.22
21-Jun-01	\$26,098.58
21-Jun-01	\$10,234.22
21-Jun-01	\$26,098.58
03-Jul-01	\$198,916.60
01-Aug-01	\$1,599,048.97
14-Sep-01	\$459,674.96
17-Sep-01	\$1,188,435.52
21-Nov-01	\$142,730.40
21-Nov-01	\$409,432.00
21-Nov-01	\$3,541,172.00
21-Nov-01	\$885,293.00
21-Nov-01	\$1,770,586.00
21-Nov-01	\$177,058.60
28-Nov-01	\$187,895.60
28-Nov-01	\$546,371.61
12-Dec-01	\$1,792,666.00
12-Dec-01	\$179,266.60
13-Dec-01	\$116,541.48
13-Dec-01	\$329,479.00
17-Dec-01	\$872,919.69
23-Jan-02	\$532,199.76
TOTAL	\$295,996,576.75

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Price variation payments

	Amount Actually Paid in \$A	
1997-98 Total	\$3,298,444.33	Comprising of a total of 50 invoices
1998-99 Total	\$25,604,218.40	Comprising of a total of 131 invoices
1999-2000 Total	\$12,287,822.53	Comprising of a total of 86 invoices
2000-01 Total	\$18,375,487.48	Comprising of a total of 71 invoices
2001-02 Total (to date)	\$11,978,278.07	Comprising of a total of 36 invoices
TOTAL	\$71,544,250.82	Comprising of a total of 374 invoices

Details of anticipated payments will not be available until Defence has completed negotiation of the revised delivery schedule and associated payment schedule.

- b) Yes. One Chief Petty Officer is working as part of the integrated Service/civilian team that is planning the integrated logistic support aspects for the Super Seasprite.

Acquisition of Replacement Patrol Boats

QUESTION 9

SENATOR: HOGG

HANSARD: Page 205

Within the tender process, is there any specification on a requirement for Australian industry involvement?

RESPONSE

The replacement patrol boat project has two Australian industry involvement targets to be met by prospective suppliers. These are:

- 65 per cent Australian industry involvement during construction; and
- 90 per cent Australian industry involvement during integrated support (in-service logistic support).

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Cost of Operation Relex

QUESTION 10

SENATOR: EVANS

HANSARD: Page 201

Could the committee be provided with the full cost in 2001–02 of Operation Relex?

RESPONSE

Defence is unable to provide the full cost of Operation Relex until the end of the financial year.

Damage to Ships During Operation Relex

QUESTION 11

SENATOR: FERGUSON

HANSARD: Page 212

Could the committee be provided with details of the costs to Defence of any wilful damage that was caused to the Tobruk or any other vessels used to apprehend unauthorised arrivals in Australia and transport them to Nauru or any other place?

RESPONSE

Advice received from HMAS Tobruk indicates that the ship was subject to no wilful damage by unauthorised arrivals during the passage from the Ashmore Islands to Nauru.

HMAS Manoora was the other ship tasked to transport unauthorised arrivals to Nauru. Wilful damage caused to HMAS Manoora during Operation Relex by unauthorised boat arrivals was minimal and limited to the forward section of the aft troop mess. The total identified cost of repairs is \$300 and comprised:

- repair to torn canvas bunks x 4 (\$100);
- re attachment of curtain railing (ship's staff able to repair-not costed);
- replacement of bunk retaining hooks (ship's staff able to repair-not costed); and
- torn lounge upholstery (\$200).

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Cost of Operation Gaberdine

QUESTION 12

SENATOR: EVANS

HANSARD: Page 214

Could the committee be provided with the full cost to Defence in 2001–02 of Operation Gaberdine, including personnel and materiel costs?

RESPONSE

Defence is unable to provide the full cost of Operation Gaberdine until the end of the financial year.

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Cost of Amphibious Transport Ship at Sea

QUESTION 13

SENATOR: EVANS

HANSARD: Page 215

Could the committee be provided with an average daily figure for the cost of *Manoora*, *Kanimbla* and *Tobruk* while at sea?

RESPONSE

The daily full cost for HMA Ships *Manoora*, *Kanimbla* and *Tobruk* while at sea is as follows:

- HMAS *Manoora* \$480,288;
- HMAS *Kanimbla* \$480,288; and
- HMAS *Tobruk* \$291,075.

The full cost includes the cost of capital, fuel, ammunition, personnel, rations, stores, repairs and administrative expenses.

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

Civil/Military Law

QUESTION 14

SENATOR: EVANS

HANSARD: Page 222 and 226

- a) Could the committee be provided with a definition of what constitutes sexual assault?
- b) Could the committee be provided with an explanation of the inter-relationship between civil and military criminal law?

RESPONSE

- a) In the Australian Defence Force, sexual offences are dealt with in DI(G) PERS 35–3 *Discrimination, Harassment, Sexual Offences, Fraternalisation and other Unacceptable Behaviour in the Australian Defence Force*. A copy of the instruction has been provided to the committee.
Although the term ‘sexual assault’ may be given a wide meaning in common usage, it has a specific definition for the purpose of DI(G) PERS 35–3 and the *Defence Force Discipline Act 1982*.

Paragraph 20 of the instruction states that any action that is sexual in nature, or has a sexual overtone, and is carried out without the consent of the complainant, may be a sexual offence. Sexual offences are a type of criminal offence.

Paragraph 63 of the instruction details three types of ‘sexual offences’:

- indecent behaviour;
- indecent assaults; and
- sexual assaults.

Paragraph 14 of Annex A to the instruction states that an indecent assault becomes a sexual assault when there is sexual intercourse, or attempted sexual intercourse, without consent. The legal definition of sexual intercourse varies throughout Australia, but for the purposes of the instruction (and the Defence Force Discipline Act) sexual intercourse is:

- i. The penetration, to any extent, of the vagina or anus of a person by:
 - (1) any part of the body of another person, or
 - (2) an object(But not where that penetration is for a proper medical purpose or is otherwise authorised by law).
 - ii. Putting any part of the penis of one person into the mouth of another person.
 - iii. Cunnilingus.
 - iv. Continuing the actions above after consent has been withdrawn or non-consent made clear.
- b) Military criminal law is based on the Defence Force Discipline Act. It contains certain specific Service offences not known to the civil criminal law, for example desertion and

Senate Foreign Affairs, Defence and Trade Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

DEPARTMENT OF DEFENCE

Additional estimates 2001—2002; 20–21 February 2002

absence without leave. However, there are certain offences that are common to both the military and civil criminal jurisdictions, for example sexual assault. Members of the Australian Defence Force are subject to the Defence Force Discipline Act and also to the ordinary criminal law of the Commonwealth, States and Territories.

Where the offence committed could be prosecuted in both the military and civil criminal jurisdiction, guidance on the resolution of the jurisdictional issue is provided in DI(G) PERS 45–1 *Jurisdiction Under Defence Force Discipline Act—Guidance for Military Commanders*. A copy of this instruction has been provided to the committee. In accordance with the policy guidance, a decision is to be taken by commanders in the chain of command. In the case where a decision is made to prosecute under the Defence Force Discipline Act, the results of any subsequent Service prosecution are to be notified to the relevant civil police authority in the format prescribed at paragraph 12 of the instruction.

Attachments:

DI(G) PERS 35–3 *Discrimination, Harassment, Sexual Offences, Fraternisation and other Unacceptable Behaviour in the Australian Defence Force*.

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DI(G) PERS 45–1 *Jurisdiction Under Defence Force Discipline Act—Guidance for Military Commanders*