

Second Interim Report

Inquiry into incidents that occurred on board HMAS Success

Referral of inquiry and terms of reference

On 26 November 2009, the Senate referred matters relating to incidents that occurred on board HMAS *Success* and subsequent events to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 18 March 2010. The terms of reference for the inquiry are extensive and available on the committee's website.

Conduct of inquiry

The committee advertised its inquiry on its website, and in the *Australian*, calling for submissions to be lodged by 21 December 2009. During the first week in December, the committee also wrote directly to a range of people likely to have been involved in matters covered by the terms of reference, drawing their attention to the inquiry and inviting them to make written submissions.

The committee received six submissions which it resolved for the time being to keep confidential. The Chief of the Defence Force (CDF), the Chief of Navy and the Head of Defence Legal also provided private briefings to the committee on 3 and 23 February 2009. No transcripts of these meetings were recorded.

Progress of the inquiry

The committee tabled an interim report on 18 March 2010. At that time, the committee noted that it was awaiting the release of the report of a CDF's Commission of Inquiry to be conducted by a former judge of the Federal Court, the Hon Mr Roger Gyles AO QC. His report was not expected to be completed until 30 June 2010. The committee advised the Senate that it would need time to consider this report and intended to report to the Senate on or before 2 September 2010.

Since tabling the interim report, the CDF has notified the committee that the Commission of Inquiry is not likely to hand down its report until the end of September 2010. In light of this delay, and the need to examine carefully the transcript of the commission, the committee has agreed to present an interim report to the Senate.

Also, on 19 July 2010, the Governor-General prorogued the 42nd Parliament and dissolved the House of Representatives. The committee intends to present a final report to the Senate as soon as possible in the 43rd Parliament.

Senator Helen Kroger
Chair