

Australia; if so, can an explanation be provided as to why a different standard is applied to United States security forces, as opposed to the strict 'no weapons' policy applied to the security forces of other countries.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator's question:

- (1) Beyond broad guidelines, the Australian Government does not disclose specific security planning for Heads of State. In any event, the security preparations for the visit are only at the preliminary planning stage, and it is not yet possible to ascertain the extent or cost of the security requirements.
- (2) Beyond broad guidelines, the Australian Government does not disclose specific security planning for Heads of State.

Education: Overseas Students

(Question No. 1012)

Senator Stott Despoja asked the Minister representing the Minister for Education, Science and Training, upon notice, on 11 September 2003:

- (a) How did the department calculate the figure of \$5.1 million, the amount of additional revenue that will be received over the next 4 years on an ongoing basis, as a result of the enactment of the Education Services for Overseas Students (Registration Charges) Amendment Bill 2003; and
- (b) Can details of the costings used to calculate this figure be provided?

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

- (a) An additional \$5.1 million has been made to the Department of Education, Science and Training over the next 4 years on an ongoing basis as part of the \$113 million international budget package announced in May this year. This funding will allow the Department to more proactively use the powers that already exist in the Education Services for Overseas Students legislation. This will ensure only those providers who are acting in the best interests of this very important export industry are able to operate.
- (b) This funding amount was agreed with the Department of Finance and Administration on the basis of standard costings as part of the normal Budget processes.

Australian Federal Police: Estimates Question

(Question No. 2020)

Senator Faulkner asked the Minister for Justice and Customs, upon notice, on 11 September 2003:

With reference to the answer to question no. 130 taken on notice by the department during the May 2003 Budget estimates hearings of the Legal and Constitutional Legislation Committee:

- (1) In relation to an answer by Commissioner Keelty, of the Australian Federal Police (AFP), during the estimates hearings (Legal and Constitutional Legislation Committee *Hansard*, 27 May 2003, p. 307) about a 'report made available' to Federal Agent Leigh Dixon's 'reporting group' concerning the 13 June 2001 inter-agency people smuggling meeting in the Australian Embassy in Jakarta: Was a report, either oral or written, received by Federal Agent Leigh Dixon's reporting group; if so: (a) when did this occur; (b) who was made aware of this report; (c) was the report oral or written.
- (2) (a) If the report was oral, were any notes and/or minutes taken by anyone involved in the discussion or discussions he had; and (b) if the report was a written, can a copy be provided by the AFP.
- (3) In relation to the meeting held on 1 August 2002 with Federal Agent Dixon and other AFP members to discuss Marian Wilkinson's questions about the 13 June 2001 meeting: (a) which AFP members were present; (b) who initiated this meeting; (c) where was it held; and (d) were notes or minutes taken; if so, can a copy of these notes and/or minutes be provided; (e) who prepared and cleared the meeting summary; (f) for whom was this summary brief prepared; and (g) apart from Commissioner Keelty, who else saw the summary of this meeting, and can a copy be provided.

Senator Ellison—The answer to the honourable senator's question is as follows:

- (1) No (a) (b) (c) Not applicable.
- (2) Not applicable.
- (3) (a) FA Wildman
FA MacGibbon
FA Dixon
(FA Morris – partial)
- (b) The then General Manager National, Federal Agent Ben McDevitt - Marion Wilkinson forwarded a series of questions to the AFP in July 2002.
- (c) The meeting was held on Level 3 AFP Headquarters, Canberra.
- (d) On 1 August 2002, the then Acting Coordinator of Operational briefings, Federal Agent David Wildman, prepared a hand written set of notes which were Federal Agent Dixon's responses to the questions proposed by Marian

Wilkinson. A typed document was then prepared from these notes. This document is attached. The handwritten notes cannot be located.

- (e) The only meeting summary which has been prepared is the document referred to in the answer to part (d) above, which was prepared by the then Acting Coordinator Operational Briefings Federal Agent David Wildman and subsequently cleared by the Commissioner.

- (f) It was prepared for AFP senior management to clear the responses to Ms Wilkinson's questions.

- (g) It is believed that the summary was also seen by:

Deputy Commissioner John Davies

General Manager National Ben McDevitt

A/General Manager International Shane Castles

Steve Jiggins (AFP Media)

FA Peter McEwan

FA Dave Watson

And possibly other AFP personnel.

This is the same document which is provided in response to part (d) of this question.

Attachment

Meeting held Lv 3 AFP HQ Thursday 1 August 2002.

Persons present:

FA Wildman

FA MacGibbon

FA Dixon

(FA Morris – partial)

Answers (marked "A") provided by FA Dixon.

RE: Questions for Commissioner Keelty.

A. On the "disruption" operation being run from Indonesia.

We have interviews with two people, one Australian and one Indonesian who were heavily involved in the "disruption" operation against people smuggling run by the Indonesian National Police with AFP involvement. It is on the basis of these two interviews as well as interviews with the Interpol chief in Indonesia and Immigration officials there that the following questions are based.

1. As part of the disruption operation were understood that five "Special Intelligence Unit" teams were run by INP to deal with people smuggling in hot spot areas in Indonesia and that these teams received equipment and support from Australia, can the Commissioner confirm this?

A. The five teams were PST teams there was only one SIU team. Material presented to Certain Maritime Inquiry adequately addresses this issue in detail.

2. Part of the efforts of these police was to attempt to track the departure of vessel by gathering information from crews, informants among the asylum seekers, following buses of asylum seekers, collecting information at departure points, is this accurate?

A. We do not comment on informants or investigation methodology specifically. However, all investigation avenues of inquiry were pursued. See also Overall comment concerning the allegations made in these questions.

3. According to two interviews, the disruption operation included Indonesian police sabotaging the boats of people smugglers in Indonesian ports. According to one INP officer, "We did it very carefully with accurate calculation so that the boat will stop in quite a reachable distance that they could be found by people from nearby islands". The sabotaging of boats included interfering with fuel tanks and engines. What knowledge did Officer Dixon in Indonesia have of this INP operation, were officers in Canberra, including the Commissioner told of these operations or briefed on them in any verbal or written reports?

A. None. Never heard of these incidents. Never heard any rumours. No.

4. According to one Australian source involved in the operation, the INP also made payments to crew members on these vessels to sabotage the vessels at crew change stops on route to Australia like Roti Island and Krakatau, allowing the crews to be paid in part by people smugglers and also by the INP. What did Officer Dixon know of these operations and were officers in Canberra, including the Commissioner told of these operations or briefed on them in any verbal or written form?

A. No knowledge.

Comment: People don't live on Krakatau, there was not PST (INP SIUs) on Roti. Virtually no communications there either, in fact approx May/June 2002 AFP had to provide satellite telephones. There are only 5 x INP officers there.

5. Was money paid to the informant Kevin Ennis by the APF used to pay crews and/or INP members who participated in sabotage operations against people smuggling vessels?

A. No. Not at all.

6. Were the sabotage operations discussed between AFP, DIMA (as it was then) and/or PM and C?

A. No.

7. We have several accounts of two meetings in 2001 that Officer Dixon participated in with other Australian embassy officers, including defence officers and Immigration Minister Philip Ruddock where the issue of sabotaging people smuggling vessels was raised. Did Officer Dixon raise any concerns either at this meeting with the minister or later to you or any other senior AFP officers about the issue of sabotaging people smuggling vessels?

A. FA Dixon was not present at any meetings where the issue of sabotaging people smuggling boats was discussed.

8. Was the issue of sabotaging people smuggling vessels ever raised with the AFP's responsible minister?

A. No.

B. The SIEV X

1. Evidence released to the CMI Senate inquiry indicates an intelligence gathering operation on Abu Quassey had begun at least as far back as August 2001 by the AFP and DIMA. How concerned was the AFP about Abu Quassey's operation, was he a target of the joint AFP/DIMA (now DIMIA) strike force?

A. These matters are presently before the court and are subject to sub-judice considerations.

2. Intelligence from the AFP was passed to Coastwatch on October 17 about the departure of this vessel, what precisely did that report say?

A. These matters are presently before the court and are subject to sub-judice considerations.

3. We have been informed that Officer Dixon, another colleague and Kevin Enniss and INP officers were in West Java at the time of the SIEV X departure, monitoring various smugglers including Abu Quassey and that information on the departure was coming directly from an informant involved in Quassey's operation, is this accurate?

A. Mr Enniss was never in West Java. At the time FA Dixon believes he was coming back from West Java looking at the organisers of a different boat, SIEV 6, which sailed to Ashmore Reef. SIEV X departed Indonesia from across the strait. Mr Enniss worked in Kupang. The AFP/INP SIU were not monitoring Abu Quassey.

4. We are also informed there was a telephone call from the boat, the SIEV X, to Abu Quassey on the shore shortly after the departure of the vessel on the early morning of the 18th, this call was reported to the AFP and to the naval attache in Jakarta, Al Johnson. Was this included in the AFP intelligence reports to DIMA and Coastwatch, if not, why not?

A. The AFP learnt about communications from SIEV X late on the 22nd or early on the 23rd October from survivor reports.

5. We understand two members of the Mandanean community were working as operators for Abu Quassey in gathering passengers for the SIEV X. Some 24 Mandaneans left the boat near the Krakatau Islands regarding the boat as unseaworthy. According to interviews with some of these people, they then returned to Bandar Lampung, the vessel's departure point late on October 19 and reported to local police there on the SIEV X, and its unseaworthiness. Was this information passed to Officer Dixon and was it included in the report he telephoned to Coastwatch on the morning of the 20th.

A. The AFP has no knowledge of who worked with/for Abu Quassey.

There was no INP SIU team on East Sumatra and it was never a departure point the reports were never made to the AFP.

6. That call from Dixon was made at 5.30am from Indonesia, what was the urgency of that call? Will the Commissioner brief us on the contents of that call which was then passed to Joint Intelligence headquarters and Norcom according to Col Gallagher's evidence on July 11 to the Senate inquiry?

A. FA Dixon did not make this telephone call however, the time of call was normal as by that time it was 9:30am in Canberra.

7. Was the AFP asked to give any information on the two Abu Quassey operatives from the Mandanean community in support of their refugee applications to a western country?

A. No. FA Dixon has never heard of this.

8. The AFP says it was not aware that the Abu Quassey vessel had sunk until late on the evening of October 22. Yet interviews with the survivors of SIEV X and the fishing vessel owners clearly indicated the fishermen who picked up survivors contacted their owners near Bandar Lampung immediately on rescuing the survivors on the morning of October 20. The owners in turn contacted the INP on that morning of October 20. Was no information passed from the INP to the AFP in Jakarta for two days about the rescue?

A. No. Delays in INP reporting procedures may have contributed to this delay.

9. Has the AFP any information that anyone, INP or informants or crew sabotaged the SIEV X?

A. No.

C. On the MOU protocols on people smuggling co-operation being set aside in September 2001.

1. Was the Commissioner informed in Jakarta that concerns about the transparency of the "disruption" operations, payments made to INP officers and informants by Kevin Enniss, and the sabotage operations played any role in setting aside the protocols for the MOU?

A. No. None of those were reasons. The Protocol was suspended because the Indonesian Government wanted a Government-to-Government level agreement.

2. UNHCR officials have reports from numerous asylum seekers in Indonesian

claiming that Mr Enniss took their money for passages to Australia on people smuggling boats but they did not get those passages. Was this tactic a sanctioned part of the "disruption" operation? Were these moneys used to pay informants and operatives by Mr Enniss?

A. Asylum seekers paid money to Mr Enniss who gave the money to the INP. The AFP managed Mr Enniss, the INP controlled him. This is the same as an informant taking money from prospective drug purchasers and giving that money to the police. The drugs are naturally never supplied to the prospective drug purchasers.

Overall comment concerning the allegations made in these questions:

The use of large fishing vessels in the Indonesian waters has ruined the local fishing industry leaving many smaller fishing boats and crews idle. FA Dixon stated that the AFP and INP SIUs only followed the passengers because there are hundreds of boats for sale and the crews frequently go with them. The organisers themselves may not know what boats they are going to buy until shortly before travelling, so it would be impossible to identify a boat in time, if some of the alleged activities were to be attempted. At times the people smugglers would not identify and purchase a boat until the evening before an intended journey. For these reasons there was never any reason to attempt to pursue the

Australian Federal Police: Estimates Question

(Question No. 2022)

Senator Faulkner asked the Minister for Justice and Customs, upon notice, on 11 September 2003:

With reference to the answer to question no. 132 taken on notice by the department during the May 2003 Budget estimates hearings of the Legal and Constitutional Legislation Committee:

- (1) During his visit to Indonesia on 17 September 2001, did Commissioner Keelty of the Australian Federal Police discuss with the Indonesian National Police (INP) the cancellation of the protocol.
- (2) What reason or reasons did the INP give for the cancellation of the protocol.

Senator Ellison—The answer to the honourable senator's question is as follows:

- (1) Yes
- (2) The Indonesian Government determined that there would only be government to government agreements. Accordingly, both the Protocol for People Smuggling and the Memorandum of Understanding between POLRI and AFP were put aside.

After September 2001, the AFP continued informal cooperation with the Indonesian authorities.

Australian Federal Police: Estimates Question

(Question No. 2023)

Senator Faulkner asked the Minister for Justice and Customs, upon notice, on 11 September 2003:

With reference to the answer to question no. 135 taken on notice by the department during the May 2003 Budget estimates hearings of the Legal and Constitutional Legislation Committee:

- (1) (a) What information was provided to the Australian Federal Police (AFP) as a result of the telephone interview with a SIEVX survivor on 22 October 2001; and (b) what did the AFP do with the information they received.
- (2) Can the AFP confirm whether the interview on 23 October 2001 with two SIEVX survivors conducted by the Indonesian National Police (INP) and observed by two AFP members is the same interview that is outlined in *Dark Victory*, by David Marr and Marian Wilkinson, 2003, p.237-238 and an SBS Radio report *The Five Mysteries of SIEVX*, SBS Radio/Arabic Program, by Ghassan Nakhoul, 28 August 2002; (b) which AFP members were present at the interview on 23 October 2001; (c) for how long was the interview conducted; (d) what did the AFP do with the information obtained from the interview; (e) was a transcript made; and (f) was it the INP or the AFP which provided the 20 odd photographs to the survivors; if the AFP: (i) which agency supplied the photographs, (ii) how were they taken, and (iii) what did they depict.

Senator Ellison—The answer to the honourable senator's question is as follows:

- (1) (a) The information that was provided was contained within the cable reference CJA 25691 dated 23 October 2001.
- (b) The liaison officer in Jakarta passed the information to the Coordinator of People Smuggling in Canberra and then met with embassy officials in Jakarta, including the Deputy Head of Mission, the Australian Naval attaché, the Counsellor Political and Economic for the Department of Foreign Affairs and Trade and the Australian representative from the Department of Immigration, Multicultural and Indigenous Affairs.

On 23 October 2001, the AFP liaison officer was advised by Interpol Jakarta that INP would continue with the investigation into the sinking of the *SIEV-X*.

- (2) Yes
 - (b) Federal Agents Glen McEwen and Russell Smith
 - (c) Approximately 2 hours

- (d) On 23 October 2001, a cable was prepared at the Australian Embassy in Jakarta and sent to the Department of Foreign Affairs and Trade in Canberra for distribution to the nominated departments (Cable reference C.JA25691).
- (e) No transcript was prepared.
- (f) No photographs were presented in the presence of the AFP members. (i) (ii) (iii) Not applicable

Australian Federal Police: Estimates Question

(Question No. 2024)

Senator Faulkner asked the Minister for Justice and Customs, upon notice, on 11 September 2003:

With reference to the answer to a question taken on notice by the department during the May 2003 Budget estimates hearings of the Legal and Constitutional Legislation Committee: Is the Australian Federal Police aware of tracking devices having been placed on people smuggling vessels in the period 1 July 2001 to 30 June 2002.

Senator Ellison—The answer to the honourable senator's question is as follows:

No

Australian Federal Police: Estimates Question

(Question No. 2025)

Senator Faulkner asked the Minister for Justice and Customs, upon notice, on 11 September 2003:

With reference to the answer to question no. 127 taken on notice by the department during the May 2003 Budget estimates hearings of the Legal and Constitutional Legislation Committee: What did Federal Agent Dixon's 'gathering of information relevant to people smuggling activities' in Indonesia involve.

Senator Ellison—The answer to the honourable senator's question is as follows:

At various times Federal Agent Dixon would travel to the west coast of Java in response to information that had been provided by his contacts. Federal Agent Dixon would engage his contacts as required in an effort to ascertain the veracity of the information provided to the AFP.

Treasury: Institute of Public Affairs

(Question No. 2036)

Senator O'Brien asked the Minister representing the Treasurer, upon notice, on 15 September 2003:

- (1) For each of the following financial years: (a) 1996-97; (b) 1997-98; (c) 1998-99; (d) 1999-2000; (e) 2000-01; (f) 2001-02; (g) 2002-03; and (h) 2003-04, has the department or any agency for which the Minister is responsible, including boards, councils, committees and advisory bodies, made payments to the Institute of Public Affairs (IPA) for research projects, consultancies, conferences, publications and/or other purposes; if so, (i) how much each payment, (ii) when was each payment made, and (iii) what services were provided.
- (2) In relation to each research project or consultancy: (a) when was the IPA engaged; (b) for what time period; (c) what were the terms of reference; (d) what role did the Minister and/or his office have in the engagement of the IPA; (e) was the contract subject to a tender process; if so, was it an open tender or a select tender; if not, why not.

Senator Minchin—The Treasurer has provided the following answer to the honourable senator's question:

(1) (a)

AGENCY	YEAR 1996-97	(i) COST	(ii) PAYMENT MADE	(iii) SERVICES PROVIDED
TREASURY	YES	\$108.00	Apr 97	Subscription
Royal Australian Mint (RAM)	NIL	NIL	NIL	NIL
Australian Bureau of Statistics (ABS)	NIL	NIL	NIL	NIL
Australian Taxation Office (ATO)	YES	\$47.00	Oct 96	Subscription
Australian Prudential Regulation Authority (APRA)	NIL	NIL	NIL	NIL
Productivity Commission (PC)	YES	\$10.95 \$48.90 \$10.00 \$45.00	July 96 May 97 May 97 May 07	Seminar Seminar Seminar Seminar
Australian Competition and Consumer Commission (ACCC)	NIL	NIL	NIL	NIL
Australian Securities & Investments Commission (ASIC)	NIL	NIL	NIL	NIL
Superannuation Complaints Tribunal (SCT)	NIL	NIL	NIL	NIL
National Competition Council (NCC)	NIL	NIL	NIL	NIL