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ASMES/OUT/2011/40

Dr Kathleen Dermody
Committee Secretary
Senate Standing Committee on
Foreign Affairs Defence and Trade
Parliament House
CANBERRA ACT 2600

Dear Dr Dermody

I write concerning corrections to the Hansard record for the Additional Estimates hearing into the Defence portfolio on 23 February 2011.

Please find enclosed two letters correcting or clarifying the factual evidence provided by individual officers as outlined below:

- Mr Mark Cunliffe, Head Defence Legal concerning the work of the Defence Honours and Awards Tribunal.
- Rear Admiral Peter Marshall, Head of Maritime Systems, Defence Materiel Organisation concerning the amphibious ships HMA Ships *Manoora*, *Kanimbla* and *Tobruk*.

If you would like to discuss this further, please do not hesitate to contact Ms Manda McFarlane, Acting Director, Ministerial and Parliamentary Reporting on 6265 6277.

Yours sincerely

Karen Creet
Assistant Secretary
Ministerial and Executive Support

20 April 2011



Australian Government

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HDL/OUT/2011/97404

23 March 2011

Dr Kathleen Dermody
Secretary
Senate Standing Committee on
Foreign Affairs, Defence and Trade
Parliament House
CANBERRA ACT 2600

Dear Dr Dermody

I write to correct and clarify evidence that I gave at the Budget Additional Estimates hearing held on 23 February 2011 concerning some of the work of the Defence Honours and Awards Tribunal.

In answer to a question from Senator Barnett (page 53 and 54 of *Proof Hansard* 23 February 2011), I am reporting as stating that:

'One of the functions that has been added is for administrative purposes. Of course, the tribunal itself is statutorily separate, as you know. The chair is a statutory appointee, Professor Dennis Pearce. But the administrative operations sit under my division. The advice to me from the tribunal is that the general methodology and the methodology they would expect to adopt in this instance will, first of all, involve the terms of the reference being formally set in conjunction with the government through the Parliamentary Secretary. The panel of tribunal members conducting the inquiry—because the tribunal does it in a series of panels—will be confirmed and announced by the chair. The tribunal will call with a nationwide call for submissions, consider those submissions and then hold a series of public meetings where those who the tribunal invites may speak to it. Then obviously having completed that process of hearings and deliberation the tribunal will formally consider its judgement, come up with its report and make recommendations. Then on the assumption that the referral is a referral under the provision section 111W, it will then make its report to government'

The Hansard does not contain relevant words which I believe I included and should be recorded. I seek to incorporate some additional words to introduce my evidence. Additionally, I also wish to correct the reference made to the Defence Act, which I fear I must have enunciated unclearly.

Mr Cunliffe— The Defence Honours and Awards Tribunal is one of the functions that has been added to my division for administrative purposes. Of course, the tribunal itself is statutorily separate, as you know. The chair is a statutory appointee, Professor Dennis Pearce. But the administrative operations sit under my division. The advice to me from the tribunal is that the general methodology and the methodology they would expect to adopt in this instance will, first of all, involve the terms of ~~the~~ reference being formally set in conjunction with the government through the Parliamentary Secretary. The panel of tribunal members conducting the inquiry—because the tribunal does it in a series of panels—will be confirmed and announced by the chair. The tribunal will call with a nationwide call for submissions, consider those submissions and then hold a series of public meetings where those who the tribunal invites may speak to it. Then obviously having completed that process of hearings and deliberation the tribunal will formally consider its judgement, come up with its report and make recommendations. Then on the assumption that the referral is a referral under the provision section 110W, it will then make its report to government—

Senator BARNETT—Section 110W of—

Mr Cunliffe—Section 110W of the Defence Act. The tribunal and its processes are to some degree identified in that Act. I am counselled to be cautious in terms of raising expectations about timing. It is pointed out to me as well as it being a lengthy process trying to look a long way into the past it is also a process which has a decision ultimately resting with the Queen. There are a number of features which, if I can put it like that, are difficult to predict.

I apologise for any misunderstanding that may have arisen.

Yours sincerely

Mark Cunliffe PSM
Head Defence Legal





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Defence Materiel Organisation

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16 March 2011

Dr Kathleen Dermody
Secretary
Senate Standing Committee on
Foreign Affairs, Defence and Trade
Parliament House
CANBERRA ACT 2600

Dear Dr Dermody

I write to correct evidence that I gave at the Additional Estimates hearing held on 23 February 2011 concerning the situation surrounding the availability and maintenance of the amphibious ships, HMA Ships *Manoora*, *Kanimbla* and *Tobruk*.

In answer to questions from Senator Johnston (pages 12, 13 and 21 of Proof Hansard dated 23 February 2011) I advised that \$20 million was an estimate for the remedial work to repair the gearboxes and hull corrosion of HMAS *Manoora*. This information was incorrect because the figure is actually \$24.5 million.

Secondly, in answer to a question from Senator Johnston (page 17 of Proof Hansard dated 23 February 2011) I advised that I commenced in the position of Head of Maritime Systems around 27 January 2010. This information was incorrect as I commenced as Head of Maritime Systems on 22 January 2010.

I apologise for any misunderstanding that may have arisen.

Yours sincerely

Peter Marshall, AM
Rear Admiral, RAN
Head of Maritime Systems