



**Australian Government**  
**Department of Defence**

Karen Creet  
Assistant Secretary  
Ministerial and Executive Support  
R1-5-A019  
Department of Defence  
CANBERRA ACT 2600

ASMES/OUT/2012/26

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 15 February 2012.

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

- (a) General David Hurley, AC, DSC, Chief of the Defence Force, concerning the Australian Defence Force detention of juveniles;
- (b) Air Marshal Mark Binskin, AO, concerning the A340 contract between Defence Adagold Aviation and evidence provided concerning the duties of the quality and assurance pilot provided by Hifly; and
- (c) Mr Andrew Cawley, Acting General Manager Programs, Defence Materiel Organisation, concerning schedule slip in AIR 5276 Phase 8B, which is replacing the electronic support measures on the P3 Orion aircraft.

If you would like to discuss this further, please do not hesitate to contact Mr Paul Iozzi, Director, Ministerial and Parliamentary Reporting

Yours sincerely

for  
Karen Creet  
Assistant Secretary  
Ministerial and Executive Support  
4 April 2012



R1-58-CDF Suite  
DEPARTMENT OF DEFENCE  
PO Box 7900  
CANBERRA BC ACT 2610

CDF/OUT/2012/217

6 March 2012

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 15 February 2012 concerning the Australian Defence Force (ADF) detention of juveniles in Afghanistan.


In answer to a question from Senator Ludlam (page 32 of *Proof Hansard* 15 February 2012), regarding what procedures are in place in relation to the detention of juveniles, I stated that 'we endeavour not to detain juveniles and that once we determine that a detainee is a juvenile, we take all steps to link back into the community to find the appropriate person to hand the juvenile to and make that transfer as quickly as possible'.

This information was incorrect as it relates to our policy on children. The ADF does not seek to detain children, who we define as being under the age of 15. In the event a child is detained, we seek to release them into the care of an appropriate adult as quickly as possible.

On the matter of juveniles, who are defined as persons aged 15-17 (inclusive), our policy does allow Australian forces to detain juveniles suspected of insurgent activity and who pose a threat to our forces and the security of the local population. As with all persons detained by Australian forces, juveniles are treated humanely, with dignity and respect, and in accordance with our domestic and international obligations. If a detainee is identified as a juvenile during the screening process, they are afforded treatment appropriate to their juvenile status, including being placed in accommodation separate to adults. Where the reason for detention no longer applies, juvenile detainees are released into the care of an appropriate adult, generally a family member.

I apologise for any misunderstanding that may have arisen.

Yours sincerely

  
D.J. HURLEY, AC, DSC  
General  
Chief of the Defence Force



## VICE CHIEF OF THE DEFENCE FORCE



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PO Box 7902, CANBERRA BC ACT 2610, AUSTRALIA

VCDF/OUT/2012/70

**Dr Kathleen Dermody**

Secretary

Senate Standing Committee on  
Foreign Affairs, Defence and Trade  
Parliament House  
CANBERRA ACT 2600

Dear Dr Demody,

I write to clarify evidence that I gave at Additional Estimates hearing held on 15 February 2012 concerning the A340 contract between Defence and Adagold Aviation. I also write to correct evidence I gave concerning the duties of the quality and assurance pilot provided by Hifly.

In response to a question from Senator Johnston regarding an In Flight Entertainment (IFE) unit emitting smoke and reported use of a fire extinguisher (page 40 of *Proof Hansard* 15 February 2012). Defence has undertaken investigation into this report with the following outcomes:

- a. A Cabin Crew Member reported to the Aircraft Captain that they had noticed a heat smell in the mid cabin near an IFE position. There was no indication in the flight deck of a smoke alarm in this position or in any other area. The IFE was investigated and as a precaution, was shut down. When the aircraft returned to base the engineering staff inspected the IFE position and found the IFE cooling fan was not working and subsequently this was replaced.
- b. There was no use of a fire extinguisher and no report of a fire alarm being activated.

In response to a question from Senator Johnston regarding the report of a stair fire in Townsville and reported use of fire extinguisher (page 41 of *Proof Hansard* 15 February 2012). Defence has undertaken investigation into this report and has been unable to substantiate the assertion that such a fire occurred.

In response to a question asked by Senator Johnston regarding the duties of the quality assurance pilot provided by Hifly (page 40 of *Proof Hansard* 15 February 2012). It was stated in the response to this question that *this will normally be a Portuguese National and he does not undertake flying duties*. This information was incorrect because it should state *this will normally be a Portuguese National and although not rostered for routine flying duties, the quality assurance pilot may undertake such duties in his quality assurance and training capacity*.

I apologise for any misunderstanding that may have arisen.

Yours sincerely,

/ **M.D. BINSKIN, AO**  
Air Marshal  
Vice Chief of the Defence Force

R1-5-B025

31 March 2012



**Australian Government**  
**Department of Defence**  
**Defence Materiel Organisation**

**General Manager Programs**  
R2-5-C080  
Russell Offices  
CANBERRA ACT. 2600

GMP DMO/OUT/2012/018

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

Dear Dr Dermody

I write to clarify evidence that I gave at the Additional Estimates hearing on 15 February 2012 concerning schedule slip in AIR 5276 Phase 8B, which is a Project of Concern and is replacing the Electronic Support Measures (ESM) on the P3 Orion Aircraft.

In answer to a question from Senator Humphries 'What is the current delay in months for this project?' (page 75 of Proof Hansard dated 15 Feb 12), I stated that 'It is about 24 months'. To clarify, this 24 month period is the delay of the In Service Date under the current contract with BAE Systems. With reference to original Government approval, the delay to the In Service Date totals 44 months.

I apologise for any misunderstanding that may have arisen.

Yours sincerely

✓ Andrew Cawley  
Acting General Manager Programs  
Defence Materiel Organisation

14 March 2012