

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

Question No. 35

Senator Brandis asked the following question at the hearing on 18 October 2011:

Senator BRANDIS: I am going to pursue the issue that Senator Wright has just been pursuing about these two missing vessels. Let us start with what we might call the October 2009 vessel. Your agency answered in question on notice No. 86, taken from Senator Ronaldson at the last estimates, that it had conducted a review into the incident and that there may have been a boat carrying 105 Hazara asylum seekers. When was that review instigated? In particular, was it only instigated after the matter was first reported in the press on 17 January 2010?

Mr Carmody: Following the report on 18 January, we conducted a further review of our holdings of information, which confirmed, as I understand it, the information we had previously given in Senate hearings.

Senator BRANDIS: Who ordered the review? Did you order it, Mr Carmody, or did the minister order it?

Mr Carmody: I did not; I do not know who.

Senator BRANDIS: Mr Pezzullo?

Mr Carmody: Mr Pezzullo can tell you.

Mr Pezzullo: After the emergence of media reporting, which itself was based on very similar phenomena to the matter that you discussed before with the AFP about where family members come forward, both the Department of Immigration and Citizenship and the Federal Police advised us of concerns being raised by family members. Coincidental with the publication of the media report in the *Age* on 18 January—I cannot quite remember the sequence; I will have to take that on notice—I directed the intelligence assessment team, which works within Customs and Border Protection but which draws together relevant reports from all agencies, to review, as Mr Carmody just put it, all of our holdings on the matter, all the contemporaneous sources of information that we had, including the information that Senator Wright just went to. We satisfied ourselves that there was nothing further that had come to light in the period between October 2009, when the incident contemporaneously had occurred, and January 2010, when those media reports started to emerge. I satisfied myself that there was no further information that we had to hand. Nonetheless, as is stated in the response to question on notice No. 86, we took the liberty of consulting again with a number of other agencies just to make sure that no-one had any fresh information that had come to light since.

Senator BRANDIS: So you initiated this review.

Mr Pezzullo: Yes.

Senator BRANDIS: And the review, having canvassed the matters you have just mentioned, reached the conclusion you have just given. What became of the review? To whom was it sent? Was it, for example, sent to your minister?

Mr Pezzullo: Indeed, as is referred to in the answer as part (e), a brief on the review that had been conducted was submitted to the Minister for Home Affairs on 20 January 2010.

Senator BRANDIS: That review has never been made public, has it?

Mr Pezzullo: No.

Senator BRANDIS: What is the reason?

Mr Pezzullo: Elements of it would be highly classified.

Senator BRANDIS: What sort of elements?

Mr Pezzullo: Some of the matters that Mr Carmody was going to earlier in terms of how we come to learn certain things about the status of a vessel, the syndicates that put them to sea and other relevant matters.

Senator BRANDIS: Certain operational, policing, surveillance matters—

Mr Pezzullo: And intelligence matters.

Senator BRANDIS: and intelligence matters would be highly confidential. I can understand that. Why can't the review with the redaction of those matters be published?

Mr Pezzullo: That is something I would have to look at very carefully, to take on notice and give consideration to.

Senator BRANDIS: I am asking you to do that, Mr Pezzullo and Mr Carmody.

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

The review of the Australian Government's information holdings in relation to the vessel known as the 'October 2009 missing vessel' took the form of a detailed reconstruction of the timeline involved in the incident. Attached is a copy of this review which was provided to a Freedom of Information (FOI) applicant. Information that would potentially reveal sensitive operational, law enforcement and intelligence sources and methods has been redacted.