

III

CONCLUDING OBSERVATIONS

“There is no *a priori* reason to believe that the truth, when discovered, will prove to be interesting.”

*Sir Isaiah Berlin*¹

1. Conspiracy theories will always hold a morbid fascination for some. The truth is almost invariably more prosaic. The only reasonable conclusion which emerges from a dispassionate analysis of the SIEV 4 episode is that there was a communications failure within the military chain of command. The critical date was 11 October. By 10 October, Cmdr. Banks, having reviewed all of the available evidence and spoken to other members of the *Adelaide* crew, had arrived at the view that in all probability, no child had been thrown overboard from SIEV 4. We think that that conclusion was probably correct. He communicated that view through the chain of command. However, by the time his ultimate assessment of events reached those above him in the chain of command on the afternoon of 11 October, Rear Admiral Ritchie had already had the critical conversation with Admiral Barrie, from which both officers came away with somewhat different perceptions. From Barrie’s point of view, Ritchie was always welcome to come back to him with new information – to “fight a repechage”, as he put it – but, until new information was placed before him, he was not persuaded to depart from reliance upon the initial report. For reasons we have explained in Chapter II, in taking that position, we consider that Admiral Barrie acted entirely reasonably and appropriately. It is not to the point that, by this time, Commander Banks had changed his assessment – Barrie did not know that and, at the time of the critical conversation, neither, it seems, did Ritchie. Put simply, Barrie kept an open mind but was, at that point, unpersuaded.

2. Ritchie’s perception, however, was different: for him, after 11 October, the matter was a dead issue. He did not put further information before Admiral Barrie, and apparently did not consider the matter further. So it was with that state of mind that Barrie briefed Mr. Reith on 17 October; what he told Mr. Reith then was an accurate assessment of the position as he understood it to be. For reasons we have outlined, he was not only entitled to that assessment; it was (given the facts as he then knew them) the correct assessment. Mr. Reith was right to take his advice.

¹ *Personal Impressions* (Oxford University Press: 1979)

3. Equally, Mr. Reith was, in our view, also right not to change his position on the basis of the representations by Air Marshal Houston on 7 November – he was entitled to continue to rely upon the assessment of the CDF in view of the limited information available to Houston. At the very least, he should have waited – as he decided to wait – for Barrie’s return from overseas three days later before abandoning reliance upon his earlier advice.

4. In regard to the misattribution of the photographs, there is no doubt that an error was made. But it was not Mr. Reith’s error: on the afternoon the photographs were released, Admiral Barrie and Mr. Reith shared a belief that they referred to the “children overboard” incident. For the reasons we have explained, that belief was, in the circumstances as they understood them at the time, not only reasonable but natural. However, it is the case that Mr. Reith failed to correct the public record when, after the *7.30 Report* broadcast that evening, the error had been pointed out to him. Nevertheless, there is no reason to believe that Mr. Reith doubted the accuracy of the original report; on the contrary, all of the evidentiary indications are that he had no reason to doubt it – a view in which he was confirmed by Admiral Barrie 6 days later and which he continued to hold in good faith.

5. Mr. Reith’s good faith in the matter is most obviously demonstrated by his reaction to Air Marshal Houston’s advice to him that the video did not show children being thrown overboard (as Mr. Reith had believed). His immediate response was to order the release of the video – not the act of a man who was attempting to conceal inconvenient facts, but an act only explicable by a readiness to have the facts on the public record. Nor did the Committee hear any compelling evidence that Mr. Reith’s staff acted in any way other than honestly and in good faith. Finally, we heard not a syllable of evidence to suggest that the Prime Minister acted other than honestly and in good faith.

6. In relation to the senior public servants concerned, the position is best articulated by Ms. Jane Halton, her position was simple and credible. She never received any sufficient evidence from Defence to persuade her that the initial report that a child or children had been thrown overboard was wrong. She cannot be criticized for holding that view, nor can other senior public servants, including Dr. Hammer, who chose to disregard conjecture which barely rose above the level of gossip.

7. The Government Senators consider that the military officers and senior public servants concerned acted honestly and reasonably at all times. We regard the attacks upon their integrity, suggested in certain parts of the Majority Report, as contemptible.

8. Government Senators were little impressed by counsels of perfection from academics and armchair analysts, operating with the benefit of hindsight and free of the pressures of decision-making in a highly mobile environment in

which judgments must be made swiftly and on the best available information (which is sometimes imperfect and incomplete). Those considerations particularly apply in a military operational environment, such as the circumstances in which *Adelaide* was operating, where the situation was highly unstable and unpredictable, and where lives were at stake.

9. Indeed, it is notable that the only person with senior military experience whom the Labor Party could find to criticize the handling of the issue was the somewhat Gilbertian figure of Sir Richard Peek, a gentleman who, having begun his career in the Royal Australian Navy in 1928 during the Prime Ministership of Stanley Melbourne Bruce, and retired just on 30 years ago, could hardly be regarded as an authoritative commentator on contemporary military systems (and whose contempt for the entire notion of Parliamentary scrutiny of the military could not have been more obvious).

10. The most strident critics of the public servants concerned were the predictable parade of professors who, as is their wont, offered the Committee counsels of perfection which appeared to owe more to the ideals of Plato's *Republic* than to familiarity with the vicissitudes of public administration in the real world.

11. Amid all of these criticisms, it is not to be forgotten that from an operational point of view, the incident involving the HMAS *Adelaide* and SIEV 4 was an outstanding success: in extremely difficult circumstances – generated exclusively by those attempting to illegally enter Australia and ruthlessly using every conceivable technique of moral blackmail to do so – the officers and crew of *Adelaide* performed with superb professional competence and bravery, so that not a single life was lost.

12. From a policy point of view as well the outcome was successful: Australia's maritime borders were not breached, and Operation Relex and the Pacific Solution functioned to deter future incursions of those borders.

13. There is one other overwhelming consideration which must be borne in mind, but upon which we have not yet touched. The Committee was constantly reminded that the events with which we are concerned took place against the background of an election environment. That circumstance was undoubtedly uppermost in the minds of Senator Faulkner, Senator Cook and Senator Collins. But we very much doubt it was uppermost in the minds of Admiral Barrie or Air Marshal Houston or Rear Admiral Ritchie. What, we have no doubt, was uppermost in their minds was that these events were taking place not against the background of an election, but within less than a month of September 11, in the early stages of Australia's involvement in the global war against terrorism, and at a time when the demands upon the Australian Defence Force were higher than they had been for a generation – indeed, arguably, than at any time since the Second World War.

14. We doubt that the Australian people would be troubled to know that an issue which had a particular salience for Labor Party politicians was not regarded by those responsible for defending our country at a uniquely dangerous time as a high order priority. Indeed, the Government Senators find it reassuring to know that the senior ranks of the Australian Defence Forces were totally focussed on military matters rather than on a political *cause celebre*. The same observations also apply to the senior public service officers, including Ms. Halton and Dr. Hammer (who, it will be remembered, at this time had principal responsibility, within the Defence, Intelligence and Security Branch, International Division of the Department of the Prime Minister and Cabinet, for the war on terror).

15. Perhaps the last word should go to Admiral Barrie – a man who impressed Government Senators with his conscientiousness, frankness, and utter lack of cant – and whose overview of the situation he faced in October 2001 has a chilling prescience 12 months afterwards:

In October of last year, the Australian Defence Force was committed as never before to fulfilling its parliamentary and government charter to “defend Australia and its national interests”. We were barely three weeks out from the brutal images of aircraft smashing into the World Trade Centre in New York and we were about to join the launch of a dangerous mission to Afghanistan, Operation Enduring Freedom. In short, I was focused on the imminent war in Afghanistan and the urgent need to safeguard our homeland from a possible terrorist attack, the risk of which I considered real and unprecedented. ... [F]rankly, I had much bigger fish to be fried.²

² *Transcript of Evidence* pp. 740, 778