Record of Discussion between VADM R.E. Shalders AO, CSC, RAN and CMDR M.J. Noonan, RAN: 1300 hours on 26 August 2004

VADM Shalders advised CMDR Noonan that a record of discussion would be prepared for the Minister for Defence.

CMDR Noonan confirmed that he had been present at the 5 December interview between MAJGEN Powell and Mr Scrafton conducted in the course MAJGEN Powell's inquiry into the interception and boarding of SIEV IV by HMAS Adelaide. He had not made a formal record of conversation but had made some handwritten notes after the meeting to prompt his memory for the chronology of events he was preparing as an annex to the inquiry report. These notes, together with those from other interviews, were in a notebook which CMDR Noonan was "80 per cent sure" he had destroyed. He did not believe that the notes would contain much of use, but would be able to establish quickly upon his return to Melbourne on 28/29 August whether or not they still exist.

CMDR Noonan noted that only MAJGEN Powell, Mr Scrafton and he were present for the discussion. He had not mentioned the content of Mr Scrafton's interview to anyone other than MAJGEN Powell, and did not believe anyone other than he had made any notes of the meeting, although he could not speak for Mr Scrafton himself. CMDR Noonan had been under riding instructions from MAJGEN Powell not to take detailed notes. MAJGEN Powell had made it clear to Mr Scrafton, as he had to all others interviewed, that he would use only written submissions as the basis for his report, and that the interviews were to set the scene only.

CMDR Noonan had not read Mr Scrafton's letter, published in *The Australian* on 16 August, but he had seen Mr Scrafton interviewed on *The 7:30 Report*. He had been surprised to see Mr Scrafton "come out" after such a long time, having formed the impression during Mr Scrafton's interview that Mr Scrafton would not reveal these details to too many people. In fact, Mr Scrafton had told MAJGEN Powell that he was privvy to things and could tell the inquiry things that he would deny if they were ever raised. CMDR Noonan recalled MAJGEN Powell reassuring Mr Scrafton that he would not produce any material on the basis of oral advice, but draw only on written submissions.

On the details contained in Mr Scrafton's published letter, CMDR Noonan recalled Mr Scrafton saying that he had had at least two mobile phone calls with either the Prime Minister or his adviser (CMDR Noonan could not recall whether Mr Scrafton specified with whom the calls took place, but had given the impression that he had a direct line to the Prime Minister). CMDR Noonan recalled Mr Scrafton speaking in general terms about the video tape and pictures, and specifically that Mr Scrafton said he had told the Prime Minister that the photographs did not relate to the alleged 7 October children overboard incident. Mr Scrafton had given a clear indication that he had given oral advice to the Prime Minister or to his principal adviser that children had not been thrown overboard, and said the Prime Minister knew that children had not been thrown overboard. CMDR Noonan did not recall Mr Scrafton making a broad statement that no one in Defence with whom he had dealt believed that children had been thrown overboard. He recalled that Mr Scrafton had singled out the Prime Minister, Ms McKenry and Brigadier Bornholdt as knowing the claim not to be true.

He had no recollection of any discussion of the ONA report, nor any recollection of advice being passed to the Defence Minister or to CDF.

CMDR Noonan had played a significant role in drafting the report. He believed the substance of Mr Scrafton's interview had not been used in the report because MAJGEN Powell had committed to use only written statements. It was in this context that CMDR Noonan raised the issue of Mr Scrafton's statement that he would deny what he had said should it be made public. CMDR Noonan believed he had sent one or two emails, either himself or on behalf of MAJGEN Powell, prompting Mr Scrafton for his promised written statement but did not believe he had received any response to the emails. Nor had Mr Scrafton provided a written statement by the time the inquiry concluded. For this reason, all references to Mr Scrafton in the chronology of events appended to the report were drawn from the written statements of others.

CMDR Noonan did not know of anyone else in Defence who might be aware of the content of Mr Scrafton's interview, although he noted it was possible MAJGEN Powell could have discussed it with the legal officer assisting the inquiry, MAJ Watson. CMDR Noonan was not present at MAJGEN Powell's interview with CDF (the only interview he was excluded from), and could not be sure whether or not MAJGEN Powell had raised these issues with either CDF or Secretary Hawke.

On being invited to offer any other relevant information, CMDR Noonan noted a discrepancy between his recollection and media reporting on the location of the Prime Minister and his party during the mobile telephone calls. He had seen references in the media to the Prime Minister being at Kirribilli, while he recalled Mr Scrafton saying that the Prime Minister and his party were at a restaurant in Lygon St, Carlton.

Notetaker: Stephanie Foster

I agree that this summary reflects the matters discussed on 26 August 2004 with VCDF.

M.J. Noonan
CMDR
26 August 2004