



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION
COMMITTEE

Estimates

(Public)

THURSDAY, 10 NOVEMBER 2022

CANBERRA

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FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE

Thursday, 10 November 2022

Members in attendance: Senators Birmingham, Cadell, Chandler, Ciccone, Faruqi, Fawcett, Green, McLachlan, Nampijinpa Price, Paterson, Steele-John, Thorpe, Van and White

FOREIGN AFFAIRS AND TRADE PORTFOLIO

In Attendance

Senator Wong, Minister for Foreign Affairs

Senator Farrell, Minister for Trade and Tourism

Department of Foreign Affairs and Trade (non-trade programs)

Outcome 1: The advancement of Australia's international strategic, security and economic interests including through bilateral, regional and multilateral engagement on Australian Government foreign, trade and international development policy priorities

Outcome 2: The protection and welfare of Australians abroad and access to secure international travel documentation through timely and responsive travel advice and consular and passport services in Australia and overseas

Outcome 3: A secure Australian Government presence overseas through the provision of security services and information and communications technology infrastructure, and the management of the Commonwealth's overseas property estate

Ms Jan Adams, Secretary

Mr Tim Yeend, Associate Secretary, Trade and Investment Group

Ms Clare Walsh, Chief Operating Officer, Chief Operating Officer Group

Mr Craig Maclachlan, Deputy Secretary, International Security, Legal and Consular Group

Mr Rod Brazier, Acting Deputy Secretary, Development and Multilateral Group

Mr Justin Hayhurst, Deputy Secretary, Geostrategic Group

Ms Michelle Chan, Deputy Secretary, Southeast Asia and Global Partners Group

Ms Catherine Reid, Assistant Secretary, Cabinet Ministerial and Parliamentary Branch

Ms Elizabeth Peak, Acting Head, Office of the Pacific

Mr Brad Medland, Chief Finance Officer, Finance Division

Ms Jo Talbot, Chief People Officer, People Division

Mr Adam McCarthy, Chief Legal Officer, Legal Division

Ms Natalie Cohen, Acting First Assistant Secretary, Development Policy Division

Ms Kate Logan, First Assistant Secretary, Consular and Crisis Management Division

Ms Danielle Heinecke, First Assistant Secretary, Pacific Integration and Economic Division

Ms Robyn Mudie, First Assistant Secretary, Southeast Asia Regional Division

Mr Marc Innes-Brown, First Assistant Secretary, Middle East and Africa Division

Ms Jan Hutton, Acting First Assistant Secretary, US and Indo-Pacific Strategy Division

Mr Chris Cannan, First Assistant Secretary, Europe and Latin America Division

Ms Ciara Spencer, First Assistant Secretary, International Security Division

Mr Gary Cowan, First Assistant Secretary, North and South Asia Division

Ms Kate Duff, First Assistant Secretary, Pacific Melanesia Division

Ms Bridget Brill, Executive Director, Australian Passport Office

Mr David Woods, Chief Economist, International Economics and Green Economy Division

Mr Mathew Smorhun, Chief Information Officer, Information Management and Technology Division

Mr Jonathan Kenna, Chief Trade Law Officer, Trade and Investment Law Division

Mr Brett Marshall, Chief Security Officer, Diplomatic Security Division

Mr Peter Cai, Chief Executive Officer, National Foundation for Australia-China Relations

Ms Sarah deZoeten, Head, AUKUS Taskforce

Mr Michael Growder, Acting First Assistant Secretary, Climate Diplomacy and Development Finance Division

Mr Ridwaan Jadwat, First Assistant Secretary, Southeast Asia Maritime Division

Mr Gerald Thomson, First Assistant Secretary, Polynesia, Micronesia and Development Division

Mr Robin Davies, First Assistant Secretary, Global Health Division
Ms Natasha Smith, First Assistant Secretary, Multilateral Policy and Human Rights Division
Ms Caitlin Wilson, Acting First Assistant Secretary, Development Effectiveness and Enabling Division
Ms Beth Delaney, First Assistant Secretary, Humanitarian Division
Ms Suzanne Pitson, First Assistant Secretary, Overseas Property Office and Services
Ms Helen Stylianou, First Assistant Secretary, Trade Resilience and Indo-Pacific Economic Cooperation Division and Ambassador for Asia-Pacific Economic Cooperation
Mr Andrew Walter, First Assistant Secretary, Regulatory Legal Division
Mr James Baxter, First Assistant Secretary, Office of Global Trade Negotiations
Ms Edwina Stevens, Acting First Assistant Secretary, Free Trade Agreements and Stakeholders Engagement Division
Mr Ian Biggs, Ambassador for Arms Control and Counter Proliferation
Mr Geoffrey Shaw, Director-General, Australian Safeguards and Non-Proliferation Office
Mr Justin McGowan, Head, Capability Taskforce
Mr Tobias Feakin, Ambassador for Cyber Affairs and Critical Technology
Mr Roger Noble, Ambassador for Counter-Terrorism
Mr Ian McConville, Chief of Protocol, Protocol Branch
Mr Jamie Isbister, First Assistant Secretary, Strategic Infrastructure Division
Mr Allaster Cox, First Assistant Secretary, Southeast Asia Strategy and Development Division
Ms Minoli Perera, First Assistant Secretary, Executive Division
Ms Lisa Wright, Acting First Assistant Secretary, Executive Division
Mr Geoff Bowan, Acting First Assistant Secretary, East Asia Division
Mr Lachlan Crews, Assistant Secretary, East Asia Economic Branch
Mr Ian Gerard, Assistant Secretary, Consular Operations Branch
Mr David Lawrence, Assistant Secretary, Financial Management Branch
Mr Aedan Whyatt, Assistant Secretary, Global Programs and Partnerships Branch
Ms Renee Deschamps, Acting Assistant Secretary, Budget Policy Branch

Department of Foreign Affairs and Trade (Trade programs)

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Mr Tim Yeend, Associate Secretary, Trade and Investment Group
Mr Brad Medland, Chief Finance Officer, Finance Division
Mr Adam McCarthy, Chief Legal Officer, Legal Division
Mr Jonathan Kenna, Chief Trade Law Officer, Trade and Investment Law Division
Ms Alison Burrows, Chief Negotiator, Australia-EU Free Trade Agreement
Ms Frances Lisson, Chief Negotiator, Australia-India Comprehensive Economic Cooperation
Mr David Woods, Chief Economist, International Economics and Green Economy Division
Ms Helen Stylianou, First Assistant Secretary, Trade Resilience and Indo-Pacific, Economic Cooperation Division and Ambassador for Asia-Pacific Economic Cooperation
Mr Gerald Thomson, First Assistant Secretary, Polynesia, Micronesia and Development Division

Ms Kate Duff, First Assistant Secretary, Melanesia Division
Ms Danielle Heinecke, First Assistant Secretary, Pacific Integration and Economic Division
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Mr Geoff Bowan, Acting First Assistant Secretary, East Asia Division
Mr Lachlan Crews, Assistant Secretary East Asia Economic Branch
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Mr Michael Growder, Acting First Assistant Secretary, Climate Diplomacy and Development Finance Division
Ms Ciara Spencer- First Assistant Secretary, International Security Division
Mr Jamie Isbister, First Assistant Secretary, Strategic Infrastructure Division
Mr Allaster Cox, First Assistant Secretary, Southeast Asia Strategy and Development Division
Ms Robyn Mudie, First Assistant Secretary, Southeast Asia Regional Division

Committee met at 09:00

CHAIR (Senator Ciccone): Good morning, everyone. I declare open this meeting of the Senate Foreign Affairs, Defence and Trade Legislation Committee. The Senate has referred to the committee the particulars of the proposed expenditure for 2022-23 and related documents for the Foreign Affairs, Defence and Trade portfolios. The committee may also examine the annual reports of the departments and agencies appearing before it. The committee has set 18 November of this year as the day by which senators are to submit written questions on notice and 16 December this year as the date for the return of answers to questions taken on notice. Under standing order 26, the committee must take all evidence in public session. This includes answers to questions on notice. I remind all witnesses that, in giving evidence to the committee, they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such actions may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee.

The Senate, by resolution in 1999, endorsed the following test of relevance of questions at estimates hearing: any questions going to the operations or financial positions or the departments and agencies which are seeking funds in the estimates are relevant questions for the purpose of estimates hearings. I further remind officers that the Senate has resolved there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the parliament or its committees, unless the parliament has expressly provided otherwise. The Senate has resolved also that an officer of a department of the Commonwealth shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted.

I draw the attention of witnesses to an order of the Senate of 13 May 2009 specifying the process by which a claim of public interest immunity should be raised and which I now incorporate into the *Hansard*.

The extract read as follows—

Public interest immunity claims

That the Senate—

- (a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;
- (b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;
- (c) orders that the following operate as an order of continuing effect:

(1) If:

(a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

(2) If, after receiving the officer's statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.

(3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.

(5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.

(6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

(7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).

(8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

(d) requires the Procedure Committee to review the operation of this order and report to the Senate by 20 August 2009.

(13 May 2009 J.1941)

(Extract, Senate Standing Orders)

CHAIR: Witnesses are specifically reminded that a statement that information or a document is confidential or consists of advice to government is not a statement that meets the requirements of the 2009 order. Instead, witnesses are required to provide some specific indication of the harm to the public interest that could result from the disclosure of the information or the document.

I ask members of the media to follow the established media guidelines and the instructions of the committee secretariat at all times. As set out in the guidelines, senators' and witnesses' laptops, mobile phones, other devices and personal papers are not to be filmed or photographed. I remind everyone in the gallery that they are not permitted to speak or interfere with the proceedings or with witnesses at any point during the hearing. Witnesses and senators who are seeking to table documents during the committee's hearing were requested to provide an electronic copy of those documents the day prior to the hearing so that documents could be circulated electronically during the hearing. Please liaise with the secretariat if you do need any assistance.

Today's committee proceedings will commence with representatives from the Department of Foreign Affairs and Trade.

Department of Foreign Affairs and Trade

[09:04]

CHAIR: I now welcome Senator the Hon. Penny Wong, the Minister for Foreign Affairs; and the secretary of the Department of Foreign Affairs and Trade and the other officers of the department. Minister or Secretary, do you have an opening statement?

Senator Wong: I do. Thank you, Chair and committee. Can I, at the outset, acknowledge my two predecessor ministers, Julie Bishop and Marise Payne. The role of foreign minister of the nation is a great privilege, a weighty responsibility and, at times, enormously challenging. I want to extend in this, my first estimates, my personal acknowledgement and thanks to both Marise and Julie. The Albanese government is renewing Australia's closest

relationships and advancing our interests and values. Since my appointment fewer than six months ago, I have visited Japan, Indonesia twice, Fiji twice, Samoa, Tonga, New Zealand, Solomon Islands, Vietnam, Malaysia, Singapore, Cambodia, Papua New Guinea, Timor Leste, the United States Republic of Marshall Islands, Nauru, Cook Islands, Niue, French Polynesia, Brunei and Thailand. I hope to have visited several more partners by the end of this year. In addition, I have received visits from several counterparts. This is an increase in engagement and it reflects this government's assessment of Australia's interests and strategic position. Put simply, Australia has a lot of catching up to do.

The budget we have just delivered is a major step toward the goal of making Australia stronger and more influential in the world. Even so, the international circumstances in which we find ourselves have only got more difficult, with risks to our security and prosperity growing more acute than at any time since World War II. The government seeks to deploy the full breadth of Australia's state power—strategic, diplomatic, social and economic—to shape the region we want and avert the risk of competition in our region escalating into catastrophic conflict. In this effort, I'm grateful to work with the new secretary of DFAT, Jan Adams, who brings unmatched experience across the breadth of economic and strategic challenges we face. She delivered Australia's toughest free trade agreements, was our lead climate negotiator, and was ambassador at two of our most critical posts: Beijing and Tokyo. I would say this to the committee: advancing the national interest is a shared responsibility, and I reflect on previous DFAT advice to this committee about the powerful message we project to other countries through bipartisanship and unity of values. We need not agree on every government decision, but we all should look to the national interests first, rather than partisan political interests. In pursuit of that purpose, we should seek out ways to better prepare and brief this parliament, because our democracy and our country are more robust if parliamentarians are better informed. This was my view as shadow minister and it remains my view as foreign minister. The committee will recall that, in opposition, I asked the Morrison government to engage the parliament more deeply to help foster unity, especially on the complex issues surrounding Australia's relationship with China. I believe their refusal was a lost opportunity for the nation and for all of us as custodians of the national interest.

So I'm being clear with the committee. I wish to take a different approach. I will routinely offer this committee briefings. If additional briefings are requested, I will seek to facilitate those. The same applies to parliamentarians generally. I am pleased to announce a new initiative, to start next year: the NS23—National Security 23—which will offer national security related training to parliamentarians, a collaborative effort between the Australian government and the National Security College of the Australian National University. I'm happy to take questions on that if the committee requests. Through these shared ventures and our regular parliamentary work, I look forward to a constructive working relationship. Thank you, Chair.

CHAIR: You're most welcome. Thank you very much, Minister. Secretary, would you like to make an opening statement?

Ms Adams: Thank you, Chair. Good morning to the committee and thank you for the opportunity to add some remarks. It is indeed a great honour to have been appointed as secretary to a central department of state with its genesis in 1901 as the Department of External Affairs. I too pay tribute to my distinguished predecessors—in fact, each morning, as I pass their framed photographs on the way to my office, which, appropriately, looks out to this building, Parliament House. Foreign Minister Wong has been generous to mention me in her opening statement. Allow me to give the committee some personal background. It was the Rotary Club that first set me on this international path when they sent the 16-year-old girl from country Victoria on exchange to Thailand in 1979, and I'm still grateful to them. My pre-DFAT career then included two engagements with the OECD secretariat in Paris as an economist, two stints at Monash University, a period running my own business and three years as a ministerial adviser. I eventually joined DFAT as head of APEC branch in 1999. Since then I've represented Australia overseas as ambassador to Japan, until recently as ambassador to China from 2016 to 2019, and in Washington DC spanning the period of September 11 and the successful negotiation of our free trade agreement with the United States.

I came to my ambassadorial roles having led trade negotiations with our major North Asian partners, China, Japan and the Republic of Korea, as lead negotiator and then as deputy secretary covering international trade and economic affairs. That followed four years leading Australia's international climate change negotiations. I therefore bring a wide perspective and real-world experiences to the task ahead of us, along with the negotiations for the Trans-Pacific Partnership, later to be known as CPTPP. All these complex roles have emphasised a consistent theme that our economic and our strategic powers are inextricably linked and mutually dependent. It's an obvious point when we look at the inflationary impacts of Russia's illegal invasion of Ukraine or the severe supply chain stresses arising from the pandemic. I see the role of foreign policy as being to advance our strategic

and economic interests in the world. Diplomacy is our main tool for implementing our foreign policy. It can include our people on the ground, our development program, our trade and economic partnerships and, indeed, the story we tell about ourselves. In these ways and more, DFAT is the part of the government that develops our foreign policy, navigates our relationships and implements our diplomacy. Our job, as I see it, is to shape outcomes in the world in Australia's interests. In an era of strategic competition, achieving this demands more effective marshalling of all elements of national power. That's why I place such a high priority on lifting DFAT's capability and on working with defence and national security agencies as well as across federal and state governments, businesses and NGOs, all vital to Australia's influence.

I am, of course, immensely proud to lead a department of such talented and hardworking people. Their dedication to service, often in demanding or dangerous circumstances, is impressive. In our overarching objective to promote security and prosperity for Australians, I reinforce the importance of deploying state power to avert risks of catastrophic conflict. Conflict comes when diplomacy does not succeed. I therefore see the mission of the department as central to our national interests. Thank you, Chair and committee.

CHAIR: Thank you.

Senator BIRMINGHAM: Thanks very much. Minister Wong, thank you for making your statement and for your generous acknowledgement of former ministers Payne and Bishop, which I thank you for and acknowledge. I welcome the announcement you made in relation to NS23, as you have titled and announced.

Senator Wong: I think it's Professor Medcalf's title, actually, not mine.

Senator BIRMINGHAM: Indeed. As shadow minister I had the pleasure of visiting the National Security College at ANU. And, indeed, in my discussions with Professor Medcalf, we spoke of the benefit that could accrue from the increased teaching and awareness of parliamentarians in relation to national security and related spaces. So I welcome the fact that the government is working with him and the National Security College in delivery of that program and look forward to seeing it rolled out. Ms Adams, congratulations on your appointment. I place that on the record as I've extended it personally to you and look forward to working with you. Minister, I absolutely acknowledge, as I have publicly said before, the importance of bipartisanship in our foreign policy and of the nation speaking with one voice where possible. Equally, the strength of our nation, of course, is the scrutiny of government. I know this committee will continue to take its responsibilities in the scrutiny of government seriously and seek to do that in a way that upholds all of the aspects of our democracy but does so in the national interest as well. Can I turn to questions and indeed the upcoming summit season. The Prime Minister has confirmed that he will be attending the East Asia Summit, the G20 and the APEC leaders summit. These are the first face-to-face leaders summits since 2019, aren't they?

Ms Adams: Yes.

Senator BIRMINGHAM: Have any bilateral meetings been confirmed to take place in the margins of those summits?

Senator Wong: Well, first, Senator, the program for the Prime Minister will generally be an issue for Prime Minister and Cabinet. Obviously, we are engaged. You would anticipate, having been in the positions you have been in, there's a fair degree of work in ensuring the enormous opportunity that is the G20 particularly, but also APEC and EAS, for bilateral as well as multilateral engagement. It is something we are very conscious of. The Prime Minister will be looking to meet with as many counterparts as he is able and which maximises, obviously, the capacity for Australia to do the work that both Ms Adams and I spoke about in our opening statements. I don't believe that those bilaterals have yet been announced and I wouldn't be in a position to announce them ahead of that. I think you can infer from some of the media that there's a lot of preparatory work, including diplomatically.

Senator BIRMINGHAM: Thanks, Minister. I'll take it from that 'not yet announced' means that, yes, some have been confirmed, noting, of course, that they're subject to the schedules of other leaders and the variabilities of—

Senator Wong: You will find—I found with my first G20 foreign ministers meeting that things did move around a lot. I know that members of the media get a little frustrated that we can't confirm, but things often move. You're obviously reluctant to say there'll be a meeting because of scheduling issues if there then isn't one.

Senator BIRMINGHAM: Obviously, there's much focus in particular on one particular potential bilateral, which I would anticipate may occur and would welcome, if it does occur, in terms of the opportunity for dialogue. We might go to some of the issues around that dialogue shortly. Are any ministers accompanying the Prime Minister to any of the summits?

Senator Wong: Well, I won't be. I have a different bilateral program elsewhere.

Ms Adams: Assistant Minister Watts is participating in the APEC ministerial in the lead-up to the summit. That's a separate meeting, as you understand, Senator.

Senator Wong: Yes. I think he's representing Minister Farrell and me.

Senator BIRMINGHAM: No other ministers are expected to be attending or accompanying—

Senator Wong: Not that I'm aware of.

Ms Adams: It's not normal for the summit meetings to involve ministerial meetings as well, except for the APEC summit, which is preceded by a ministerial meeting.

Senator BIRMINGHAM: Although it's not unusual. I think Senator Cormann attended a number of G20 leaders—as did I.

Senator Wong: I think he was on a different—I think he might have been on a different agenda there, which we supported. I think he might have been doing a bit of campaigning.

Senator BIRMINGHAM: And I think at that very last East Asia summit meeting in 2019 that was face-to-face, I was present with prime minister Morrison when he met with Premier Li Keqiang and other leaders at that time. So it's not unusual. But at this stage it looks like it's just Prime Minister Albanese flying solo.

Senator Wong: Well, because I'm elsewhere in the world. It's about coverage too. I can't recall what my colleague Senator Farrell is doing at the same time, but I think he's been away as well. But yes.

Senator BIRMINGHAM: Okay. Ms Adams, will you be attending?

Ms Adams: I'm intending to attend the APEC summit as well as the G20 summit.

Senator Wong: Just to remind you—and I know you probably don't need reminding—obviously there are ministerial G20 meetings during the year leading up to the leader meetings—so foreign ministers, economic, trade et cetera.

Senator BIRMINGHAM: Yes, indeed.

Senator Wong: Separate tracks.

Senator BIRMINGHAM: I understand those and that they all feed into the agenda and ultimately communicate. Thank you. Minister, could you step through the occasions of your engagement with your Chinese counterpart, please—or Ms Adams.

Senator Wong: We might get one of the officials to come to the table. Someone probably has this somewhere. So, I think the first meeting with the state councillor and foreign minister Wang Yi was on 8 July in Bali and again on 22 September in New York. In addition, there was a telephone call on the 8 November. So that's only this week. I'm just checking with Mr Hayhurst. I think there were courtesy letters on at least one occasion. I think I also wrote in relation to one of the natural disasters and loss of life, but Mr Hayhurst might be able to recall.

Mr Hayhurst: The minister is right. She's had two meetings, a phone call and exchanged letters on a couple of occasions with China's state councillor and foreign minister.

Senator BIRMINGHAM: Thanks. During those engagements or elsewhere, has China made any direct requests of Australia?

Senator Wong: You would expect that I don't propose to go into details, and neither did Senator Payne before this committee, of conversations with counterparts. I would refer you, however, to the public release of two opening statements which we, in the interest of making clear—well, let's rewind. You would be aware that the bilateral relationship has been in a difficult and challenging place for some time, and dealing with that requires a careful, considered process and strategy. In part, that includes a great deal of thinking about how we publicly articulate, and articulate to the PRC, how we envisage the relationship. In order to explicate that more clearly, including to the Australian people and publicly, I released my opening statements for each of those two bilaterals publicly. Mr Hayhurst might have them here. I don't know that I do. But they are, I think, clear about the issues we were raising on the face of it.

Senator BIRMINGHAM: Thank you, noting my question was in particular about requests from China of Australia in this regard. I acknowledge your opening statements, Minister. Your opening statements go to Australia's position and if you like—

Senator Wong: Mr Hayhurst may wish to add to this. There have been numerous public statements from representatives of the PRC, including at ambassador level, et cetera. I don't believe it is—I think the appropriate forum for us to respond to those is in the context of bilateral engagement, whether at my level, Ms Adams' level, Mr Hayhurst's level, in Beijing or other levels in the department rather than seek to negotiate them here. But I think Australia's position on some key issues has been quite clear and publicly articulated.

Senator BIRMINGHAM: Are there any policy changes of this government, either undertaken or in progress, that the government has highlighted in its communications to China?

Senator Wong: I trust we're not returning to the pre-election approach to these issues, Senator Birmingham.

Senator BIRMINGHAM: Senator Wong, I'm just posing the question.

Senator Wong: And I'm posing one back to you. Is that what we're going to do? You know very well—in fact, in my opening statement, what I think I said was that the government of Australia has changed, but Australia's strategic policy interests have not. Mr Hayhurst may have the actual words. It was a very clear articulation, consistent with what I said before the election, that there are various interests which differ and we will never walk away from Australia's interests. We happen to believe it's in our interest to engage as you did.

Senator BIRMINGHAM: As I did and do, Senator Wong. The reason I'm asking the question here is indeed for you to be able to put those statements on the record here and to address—

Senator Wong: Well, no, actually, I tried to, and you were asking what China said. Mr Hayhurst, was there anything in the opening statement in Bali?

Mr Hayhurst: The two opening statements that have been published speak about the constancy of Australia's national interest and the enduring nature of Australia's strategic settings. I've got them here if you want me to refer to the words specifically. But that was the message delivered in front of the media to China's foreign minister by our minister.

Senator BIRMINGHAM: Thanks, Mr Hayhurst. While we're on the G20, let me change countries slightly. What will the government's approach be to dealing with Russia at any of the upcoming summits?

Ms Adams: The attendance by the Russian Federation is yet to be known. I'm not sure exactly at what level they will participate in those summits. We will not let down the hosts of those summits by refusing to attend. However, of course, the interaction with the Russian delegation will be very restricted and will be used to express our clear opposition to the illegal, immoral and unacceptable invasion of Ukraine.

Senator BIRMINGHAM: Have any decisions been taken in relation to how Prime Minister Albanese will handle matters if President Putin does attend, and how he will conduct or participate in leaders fora where President Putin makes any interventions?

Ms Adams: As I said, Senator, the attendance level by the Russian Federation is yet to be made clear. We will work carefully with the hosts, Indonesia, and others to make sure that is appropriate and reflects the extraordinary situation we have where we have a P5 member invading the sovereign territory of a neighbour.

Senator BIRMINGHAM: Minister, how have you handled engagement and participation in multilateral settings where your Russian counterpart—

Senator Wong: Well, I haven't held any bilaterals.

Senator BIRMINGHAM: No.

Senator Wong: For G20 we obviously worked, as Ms Adams has outlined, with our hosts and with partners and in the room. I know these things are not made public, but you would anticipate that the position that G7 countries, Australia and others took is consistent with the public position and the position that I articulated at the UN General Assembly in relation to Russia's illegal and immoral invasion of Ukraine. I think the point—it is raised in probably every bilateral and multilateral setting in which I participate or Australia participates. The point we consistently make is that the reason we should all care deeply about what has occurred—Russia's invasion—is not only because of the loss of life and the atrocities which are being committed, including the deployment of sexual violence as a weapon of war, the human rights violations, injury, death and damage to the country, all of which is horrific; also, from a geopolitical perspective, we should all care because it represents a fundamental breach of the settlement that the world came to after World War II, which was intended to preserve peace and stability. The point that Ms Adams just made, and I made also in my speech at the General Assembly, is that, when the nations of the world provided a veto power to the Security Council, it was not envisaged that one of them would use their veto in order to breach the charter.

Senator BIRMINGHAM: Indeed. Minister, have you sat through interventions by your counterpart, Mr Lavrov, at the various summits?

Senator Wong: Yes.

Senator BIRMINGHAM: How have you handled or conducted yourself in that regard? Have you remained present in the room for those interventions?

Senator Wong: I think I remained in the room for very lengthy G20 presentations and I think I left the room for some of his EAS presentation—or maybe it was the ARF. It might have been the ARF. Sorry. So it was G20, EAS and ARF—I think the fourth time.

Senator BIRMINGHAM: Noting that it's unclear as to whether President Putin will attend, has a decision been made as to whether Prime Minister Albanese will remain present for any intervention and defence of the indefensible by President Putin?

Senator Wong: Well, the level of representation has not been confirmed. But, if I can go back, you will recall the Prime Minister's first bilateral trip was to Indonesia—bilateral as opposed to a quad visit, et cetera. You may recall that, at the time, the Prime Minister took the opportunity to speak directly with President Widodo and said to him that Australia would be attending. He explained the reasons why at that time, which is that we regard the G20 as an important forum and we wish to work with Indonesia to ensure their hosting of it is a success.

Senator BIRMINGHAM: Thank you.

Senator GREEN: Thank you, Chair. I have some questions to the executive director of the Australian Passport Office. Ms Brill, before COVID how many passport applications did the APO receive a day?

Ms Brill: Pre-COVID, Senator, our average applications were around about 7,000 to 8,000. But it's seasonal, so it could get as high as nine or as low as five a day.

Senator GREEN: What season do you mean? Are you talking Christmas periods?

Ms Brill: Christmas periods, pre school holidays; often late January is busy for us.

Senator GREEN: Okay, thank you. And particularly after international borders shut, in the middle of 2020, I think, how many passport applications was the APO receiving then?

Ms Brill: I'm not sure I've got that data. Let me just check. I haven't got the daily data during COVID, Senator, but our numbers dropped dramatically. We were taking sometimes only 2,000 a day, sometimes even less. But I can certainly give you the exact daily figure during the COVID period on notice.

Senator GREEN: So a drop from around 7,000 or 8,000 down to 2,000 a day?

Ms Brill: Sometimes even lower.

Senator GREEN: When you realised that—it's not just applications, it's renewals of applications, isn't it? There are obviously people whose passports are lapsing or expiring, and it's very clear from those numbers that people weren't renewing in the same pre-COVID numbers that they were. When you realised that there was a large number of Australians not renewing their passports in the same volume as pre-COVID, what did the APO do?

Ms Brill: We undertook quite a few measures. The first thing we did was we started to send out reminder notices. We were very conscious that we were building what we call unmet demand—that is, Australians who would normally renew their passports were not renewing their passports. So in January 2021 we started to send out renewal reminder notices encouraging Australians to renew their passports. We also started a campaign—

Senator GREEN: What was the date? I don't mean to interrupt you; I just want to understand the timing. When did that start to occur?

Ms Brill: That was in January 2021.

Senator GREEN: Is that because there was an appreciation that international travel particularly was going to start reopening and you're anticipating a lift in applications? What was the purpose?

Ms Brill: No, the purpose was obviously lead time to put in that system change. So through 2020 we started to consider how we were going to address the trend of Australians not renewing their passports and try and mitigate against large numbers once we came out of the COVID period. Once we saw that trend, we started to then make the system change.

Senator GREEN: Yes. You're getting a little bit in front of what I'm asking. I'm sort of wondering about what you had considered would be the effect. I'm asking for the reason you took these steps, essentially. So what did you think the effect would be on numbers and bottleneck if people weren't renewing in that period of time?

Ms Brill: That once the border reopened we would have a high level of demand.

Senator Wong: I think nearly two million were not renewed during the border closure period—was that right?

Ms Brill: That's correct, Minister. We had over 1.8 million in unmet demand at the time that the border was due to open.

Senator GREEN: So you knew that roughly two million people were due to renew if they wanted to travel. When did you first—the dates are important here. When did you first identify that this could be a potential issue in terms of demand?

Ms Brill: Obviously, no-one in 2020 knew the longevity of COVID, so we were watching the trend around passports through 2020. We started to see that trend of pent-up demand and then started to work through what options we had available to continue to encourage Australians to renew passports ahead of the border reopening.

Senator GREEN: So there are almost two million Australians that haven't renewed their passports. Did you think you would have the capacity to meet the demand of those renewals?

Ms Brill: So there are two factors involved. We knew it was going to be a challenge to address a pent-up demand of 1.8 million or thereabouts when the border reopened. But what was very unclear was the forecasted scenario around that demand. So obviously, going to your first question, we set about a communications campaign about being travel ready, but we also worked with our travel industry partners quite closely on what they were forecasting in terms of demand. And it was that trajectory of demand that was very unclear. We knew we had a large demand that was going to come through, but the pattern and the timing around when that was going to come through was very uncertain.

Senator GREEN: Ms Brill, you've identified that there will be a high demand.

Ms Brill: Correct.

Senator GREEN: You know what your resources are and your capacity. Did you think you could meet that demand?

Ms Brill: On the modelling that we had done based on the data received from the travel industry and other sources, we anticipated that we were going to be able to meet the demand based on that forecasted modelling.

Senator GREEN: Was the modelling wrong?

Ms Brill: Correct, Senator. Unfortunately, the surge in travel or the wish to travel internationally far exceeded anyone's expectations around the timing of that. The border reopened in November—

Senator GREEN: Hang on. There are expectations and then there's understanding. You just said two million Australians haven't renewed their passports. You know that normally, pre-COVID, there are 7,000 or 9,000 per day, but there's been this huge cliff. When you're talking about unprecedented, the borders were reopening. We knew people wanted to travel.

Ms Brill: That's correct, Senator, and we'd doubled our workforce. We had already started to upscale our workforce ahead of the border reopening.

Senator GREEN: So let's go to that. You've understood that there is going to be an uplift and you might need more resources. Is that right?

Ms Brill: That's right.

Senator GREEN: Okay. And when did you alert the office of the former foreign minister, Marise Payne, that you would need more resourcing?

Ms Brill: We worked internally, so it's an operational decision around staffing. We worked with the secretary at the time around what we required. The way the office operates is through a funding agreement based on demand. So we predicted, based on our forecasted modelling, we were going to need to at least double our staffing by May, which we did.

Senator GREEN: When did you let the minister know that you would need that resourcing?

Ms Brill: I'd have to take that on notice, Senator, in terms of our information briefing to the minister at that time. We were certainly working closely with the secretary around our operational requirements, which is generally what we do in the Passport Office, given it's demand driven. So our staffing profile moves up and down quite regularly, even in a pre-COVID environment, depending on demand.

Senator GREEN: Ms Adams, I know you're new to the role, but does your department have any information about getting an indication from APO that more resourcing would be required? Did they let your department know?

Ms Adams: As you note, I wasn't in the role, but, yes, as a matter of course through the relevant deputy secretary.

Senator GREEN: And when did that happen?

Ms Brill: We regularly brief the secretary of the department on the increasing demand APO was likely to get.

Senator GREEN: Every month?

Ms Brill: Yes, I would have to check, but it would be at least every month. Then, as we went into surge, there were verbal updates weekly and then daily.

Senator GREEN: And would those updates go to the minister's office as well?

Ms Adams: I would say not necessarily in terms of normal operational information.

Senator Wong: We'll take it on notice. I think the question was: did you advise the previous minister's office of the uptick in demand. Was that it? I'm paraphrasing.

Senator GREEN: Yes, that was the question. You're paraphrasing correctly, Minister. You've said you'd take that on notice for us. The question I have, then, is to the communications plan. The plan that you came up with—can you talk us through the thinking around that and the roll-out of that plan?

Ms Brill: Certainly, Senator. As I indicated earlier, one of the first things we did was we started to send out reminder messages as a key attempt to, if you like, pull forward our demand. We also worked very heavily with the industry on a communications plan encouraging Australians to be travel ready, and that included working with outbound airlines, the cruise industry and travel magazines. They shared that on their websites and put reminder notices when customers were booking travel: please check that your passport's current and allow plenty of time if it's not to renew it. So they were some of the pre-emptive measures we did. Simultaneously we obviously started to staff up. As I said, we doubled our staffing in anticipation of increased demand between November and May. By around April or May it became clear that actually there was a much greater consumer confidence in outbound travel than we expected. And, again, based on our engagement with the travel sector and advanced bookings, we then started to look at additional staff. By June—

Senator GREEN: I am interested in this. You are saying on the one hand that you had done some modelling, so you'd taken some steps and had a communication plan, but all of a sudden you realised that the demand was far greater. What did you base the original assumptions on? You said modelling.

Ms Brill: We have quite advanced modelling in the Passport Office. It's based very much on the travel sector. Obviously, that's going to give us the advance booking numbers. Our forecasts were around a number of scenarios, so it included when borders were going to open. If we cast our minds back to February 2022, at that stage, Omicron was still playing out and borders were still opening and closing quite regularly. There were changes in vaccination requirements and testing regimes, and leaving and departing countries were unclear and changing regularly. All of these factors and those sorts of uncertainties were affecting demand. So through January and February we had an increase in demand, as we anticipated and along the lines that we forecasted. It was around April or May where we got demand that far exceeded what we had modelled across the scenarios. And, of course, a similar thing played out in the actual travel sector itself.

Senator GREEN: Because one of the things that came through the travel sector during COVID was people wanting to book closer to the time of travel. There was an understanding that, if you're booking in advance, you might have to change your plans, so people are booking closer. Why wasn't that built into your modelling?

Ms Brill: It simply wasn't known at the time and it wasn't even playing out in February, but clearly by April it was.

Senator GREEN: Anyone in the travel sector that I speak to was telling us that.

Senator Wong: I can tell you that, in coming to office, it was very clear to us that there were passport processing delays because the post-COVID surge in application had been inadequately prepared for. Now, Ms Brill has explained from the department's perspective that they relied on modelling which was incorrect. But I have to say, to me, the numbers—when you have a couple of million people whose passports are outstanding, when you have the borders open and you have all that pent-up demand and you have daily rates such as we saw, it was very clear that much more needed to be done. Since we've come to office—and I appreciate very much the work of the assistant foreign minister and the work of Mr Maclachlan and Ms Brill in the department—we've doubled staff in the APO from 730 to 1,950. Is that right?

Ms Brill: That's correct, Minister—since June.

Senator Wong: Since June—the message on my phone is better than the one in my brief—we've now issued more than 1.4 million passports. We've also added staffing to the contact centre.

Ms Brill: Those numbers of staff in the contact centre—

Senator Wong: It was about 400, I think, in the contact centre.

Ms Brill: That's correct, Minister.

Senator Wong: So can I just say that I understand Australians' frustrations about this and the staff in this area have worked very hard, since the election, with us to try and deal with this situation and to clear the backlog. I'm hoping perhaps Mr Maclachlan can talk about where daily rates are now compared to where they were before.

Senator GREEN: That was my next set of questions. If you could cover that off, I can hand the call over. They're just finishing off the line of questioning on the update now—where we're at.

Mr Maclachlan: Firstly, just to reiterate, we regret the inconvenience caused to Australian travellers through this processing time. I'll give you some key markers. The high point of the number of applications we had on hand reached 428,000 on 7 September. As of this week, it's at 180,000. The average processing time has dropped from well over 30 days to about 23 days, and 96 per cent of people who apply for a passport to be delivered within two days are getting it within two days or are having those applications processed within two days. The surge in the call centre has meant that the average wait times now are very short—under a minute in many cases. As to calls answered, they're starting to come down. But when we brought in the call centre, we were actually able to take a lot more calls. They reached 190,000 or 193,000 in September. At the end of October we were at 167,000, and we can tell that those calls are dropping.

Senator GREEN: Thank you.

Senator FARUQI: Thank you for being here to answer our questions. I have some questions on official development assistance. Minister, can I start with you. Labor's 2021 platform states that 'Labor will, over time, achieve a funding target for the international development program of at least 0.5 per cent of Gross National Income' and 'will increase aid as a percentage of Gross National Income every year that we are in office starting with our first budget'. Is this still a policy you're committed to?

Senator Wong: We have increased aid, Senator Faruqi. And let's have a genuine discussion about development assistance. I actually think one of the moments where Australia made a decision to reduce its influence in the world, and it's a key element of state power, was in the 2014 budget and subsequently when the bipartisanship on aid funding was broken. The previous government made a decision that it would not do what it told people it would do, which was to continue to increase aid, and in fact it cut and continued to not fund development assistance. I've been in this committee on the other side, obviously, for some time, where members of the coalition have attacked development assistance. One anticipates that, obviously, there are particular parties in this place that have a particular view, but it is disappointing that a party of government was not able to have that bipartisanship. I said that very clearly in opposition. I hope that the coalition can see its way again to finding some bipartisanship on development assistance in a very difficult fiscal environment, which I think you are aware of. We have sought and have increased ODA.

Senator FARUQI: Minister, I do know the budget figures, but I guess what I'm asking is the ratio of ODA to GNI, and that is still projected to fall under your government to 0.19 per cent in 2024-25. So I'm just wondering: when do you plan to get to the 0.5 per cent?

Senator Wong: I think the 0.5 per cent is a longer term and challenging task and will really only be achieved if the country manages a bipartisan position on that. That is my personal view.

Senator FARUQI: Is there a time line that you have?

Senator Wong: And one of the things I have made a decision to do in this budget, and I acknowledge the GNI figure, is that I have asked my colleagues to increase the base. So I realised mathematically I could have had a better growth to GNI ratio if I'd held back funding and put it further out. You had a lower base this year and put it out further into the forward estimates. My judgement was—

Senator FARUQI: That's not the point.

Senator Wong: It is the point, actually. The point is that we have increased funding and we've increased the base. I've made a decision to bring more of that expenditure forward.

Senator FARUQI: Do you have a time line for the 0.5 GNI?

Senator Wong: No, I don't have a precise date, nor does the platform have one. The government does not have a precise date.

Senator FARUQI: Okay. You don't have a precise date.

Senator Wong: I would like to get there as soon as we are able, but obviously the fiscal circumstances are much more difficult.

Senator FARUQI: And, as you are aware, that's still less than 0.7 per cent, which the UN has as a target for countries like ours. But I want to move on to some other questions. Island nations and other climate vulnerable countries have been calling for loss and damage for a long time. It is on the agenda for COP27. At this year's UN

General Assembly the UN chief Antonio Guterres described loss and damage as a fundamental question of climate justice, international solidarity and trust, adding that polluters must pay because vulnerable countries need meaningful action. So will your government commit to contributing to loss and damage funding at COP27?

Ms Adams: Senator, I think, as you know, that very subject is currently under debate at the COP, the Conference of the Parties. It's a very complex issue, referenced by the fact that even having that agenda item included on the formal agenda was a matter of great debate and negotiation. It took a long time to even have the subject on the agenda. But, for further elaboration, my colleague Mr Growder might just—

Senator FARUQI: I might just add to that Scotland and Denmark have recently agreed to make a start on loss and damage payments. So my question is: has Australia thought about that and are we going to do it?

Senator Wong: Mr Growder is about to respond.

Mr Growder: Of course, we're very pleased to support the addition of this new agenda item on loss and damage for the COP. That's in keeping with the pathway that was set by the Paris Agreement to discuss this. But I guess the way we look at it is that this is the start of a process. They've set I think a no later than 2024 decision point for this. So we're starting that journey now and decisions around that will be a matter for government. Of course, we're considering these types of options across a whole range of areas in our climate finance more generally, but the decision on that is in front of us yet. A particular point for us is to understand the needs, the priorities and the options that best serve our Pacific partners. As you'd be aware, there's a range of international environment facilities, and how they work, whether they work and whether they are effective for our partners in achieving the goals is a key thing for us. So having that discussion and understanding those options is going to be a big part of this. A commitment at this point is not something we're considering. It's a decision for government, obviously, about that, ultimately.

Senator FARUQI: Sure, but Pacific neighbours have actually been calling for a dedicated finance facility for loss and damage at COP27. We know that. And, Minister, your government does talk about the need to listen to—

Senator Wong: No, that's not right. Let's be clear. There are a number of propositions about how this is to be funded. I understand you want to make a political point—

Senator FARUQI: No, I don't want to make a point. I am asking you—

Senator Wong: I would invite you to come to the Pacific with us and engage with the Pacific, as we do, listen to their views and listen to the way in which we work.

Senator FARUQI: Minister, I have engaged with them over the years—

Senator Wong: I'm very happy to—

Senator FARUQI: so don't give me a lecture on how to engage with people.

Senator Wong: In our discussions—for example, there are some in the region who would advocate multilateral facilities. There are some in the region who would advocate or want to explore regional facilities. There is quite a degree of discussion about, if we're talking about the Pacific, what is actually being sought and how we would, as Mr Growder said, best work with our partners on these issues. We will engage in a respectful way in those discussions and we will obviously go through a process of engagement with Australians and the parliament about that.

Senator FARUQI: Minister, in August this year, one-third of Pakistan was completely submerged by historic climate-induced flooding of unimaginable proportions. You know about it. There were 33 million people directly affected. More than 1,500 were killed. These have really pushed Pakistan to the brink. The World Bank estimated that the floods will cost 40 billion and the UN has revised an initial aid flash appeal of \$160 million to \$816 million. Australia as yet has given a mere five million in emergency aid to Pakistan. Given the scale of the floods and the impact on tens of millions of people, will the government increase aid?

Mr Cowan: Senator, as you say, it really was a massive disaster. Of course, Australia extended sympathies and condolences to all those who suffered in the floods. It really was a great scale: 33 million people were affected, lots of displacement and 1.5 million houses destroyed. We have made a contribution, as you said, of \$5 million to the World Food Program. That's intended to help deliver critical food and nutrition assistance to those who need it. There are a couple of aspects to that. There's emergency food distribution. There's also specialised food for children and pregnant and breastfeeding women. So that's in place. There's also some support through a humanitarian partnership we have for sexual and reproductive health services to flood-affected women and girls. The World Food Program is working. They have significant reach in Pakistan and good organisational capabilities.

Senator FARUQI: Sorry, if I could interrupt you, I know all that. My question is: are there plans to increase aid to Pakistan?

Mr Cowan: We have, of course, the situation—we're monitoring the situation. We're aware of what a big disaster it has been so far. We've contributed \$5 million and, of course, we keep that under review. I should say that, following the initial response, the WFP, which is our main partner there, will be implementing recovery programs.

Senator FARUQI: You still haven't answered my question. Are there plans to increase aid over and above five million?

Senator Wong: He's about to answer it.

Senator FARUQI: I don't think he has.

Senator Wong: He's giving the answer. If you don't like it, you can ask another question.

Senator FARUQI: No, I'm sorry, Minister, I did not get an answer. It's a very clear question. Will you increase aid to Pakistan over and above five million?

Senator Wong: You may not like the answer he's giving, but he's entitled to finish his answer, Senator.

Senator FARUQI: Oxfam Australia and ActionAid Australia assessed Australia's climate finance to the Pacific region for 2019-2020 and found that only five out of 111 investments were classified as principally focused on gender equality, reflecting just 0.35 per cent of all dollars invested.

Senator Wong: Sorry, Oxfam?

Senator FARUQI: Oxfam and ActionAid. It's their assessment. A top-line review of the remaining investments classified as significantly focused on gender found that only 12 had a clear reference to gender equality, with the majority of investments making no mention of gender equality for women or girls in the project description. And this is an assessment at the end of 2019-2020. What is the department doing to ensure that climate finance is transparently and genuinely gender responsive?

Mr Brazier: Can I just talk about the government's plan to implement a new development policy from next year and how we'll address the agenda and some of the other issues of importance. Aid has, as you know, long been a tool in the Australian government's foreign policy toolkit. In the recent budget, the government increased overall ODA. We can at some point in the session go over some of those numbers. But, in 2022-23, the government will allocate an estimated 97.7 million to gender equality, disability and social inclusion programs. This includes 12.9 million for the central budget line supporting disability inclusive initiatives, which is up from 9.6 million in 2021-22. Funding for the gender equality fund will total an estimated \$65 million in 2022-2023. This is part of an estimated 1.5 billion in 2022-23 for gender equality through bilateral, regional and global programs.

Senator FARUQI: And will other aid, such as climate finance, for instance, have a specific gender focus embedded within those?

Mr Brazier: All of Australia's international development programs are required to strive for gender equality and gender inclusivity.

Senator FARUQI: But it's not actually happening. What I read out to you earlier suggests that's not happening.

Senator Wong: I don't know if I can comment on a 2019 analysis. Mr Brazier outlined what the objective is. If at any point you're interested, we could take you through the additional \$1.4 billion that the government has allocated to aid and the way in which we're trying to deploy that.

Senator FARUQI: Just a question on transparency—

Senator Wong: I guess not.

Senator FARUQI: Sorry?

Senator Wong: I guess you don't want to—

Senator FARUQI: No, I am interested, of course, but I'm just not sure what—I wasn't sure whether you're going to give it on notice or outside of here. If you want to give more information on how each and every kind of development assistant funding and project embeds—

Senator Wong: We're here ready to answer your questions. I can't determine the priority of your questions, Senator. If you want to ask us about something else, that's fine.

Senator FARUQI: It's the same priority that you were wanting to respond to. So I'm happy for you to respond to it and say how the climate finance funding embeds gender equity.

Senator Wong: Well, now you're asking about a very specific issue, not the totality of the development program. Our objective is to deploy this in the best way possible in terms of Australia's national interests and to maximise the benefit for our partners. Mr Conroy—and I, but he's obviously doing a lot of work on it—said that we wish to design a new development policy to set a long-term strategy for direction for Australia's development program. Mr Brazier has explained to you the expectation is that gender is embedded across the development program.

Senator BIRMINGHAM: When was the department's website changed to delete the sentences regarding recognition of West Jerusalem as the capital of Israel?

Ms Adams: Senator, the website was updated on 17 October.

Senator BIRMINGHAM: So the change was made on the 17 October? That's what you're saying, Ms Adams?

Senator Wong: Sorry, I've just received something. Senator Faruqi, my office has just provided an indication to me that Mr Conroy and I have agreed all new investments over \$3 million are now mandated to have a gender equality outcome and focus.

Senator FARUQI: Thank you.

Senator BIRMINGHAM: So I was just confirming, Secretary, your advice is that the website change itself occurred on 17 October.

Ms Adams: That's correct.

Senator BIRMINGHAM: Which is also the date that it was first reported by the *Guardian*. So it was reported within a 24-hour window, or even less than that, in terms of acknowledgement. Does the department have any idea how the *Guardian* came to be aware of the change to the website?

Ms Adams: I can't speak for the *Guardian*, I'm afraid. Presumably they have a good monitoring system.

Senator BIRMINGHAM: It seems surprising that there was somebody sitting there just clicking refresh on that particular page of the DFAT website. Secretary, who authorised the change?

Senator Wong: Senator, I want to deal upfront with this issue and to make clear the approach I will be taking. If I may start with a few broader points, this is obviously a deeply sensitive issue for many people in this country and elsewhere. As I said in the parliament, there are few more issues more central for members of the Jewish community than the status of Jerusalem. It's at the heart of Israel's origins and its future. And, importantly, what we know is there can be no lasting peace that doesn't address its status.

As you would know, because you were part of a government that held this position for the majority of the time you were in government, the majority of the international community has taken the view that Jerusalem remains a final status issue that has to be resolved as part of any peace negotiations between Israel and the Palestinian people. You know that this was a longstanding, bipartisan position—Australian position—for decades. Obviously, there was one exception, which is in 2018, when Mr Morrison, I think, utilised this issue for his own political purpose in the Wentworth by-election. The Australian government takes the view that, as a responsible international actor, Australia will not impose its views on final borders and boundaries which should be the subject of peace negotiations and the result of peace negotiations. That was the position previously held by both parties of government.

Your questions go to the website update. As I have publicly said, a mistake was made. I don't intend in this hearing or anywhere else to start pointing the finger of blame. I took responsibility as minister and I moved to ensure there was clarity around Australia's position. I do want to say it again in this forum. I've publicly and privately said that the timing of this announcement, falling as it did on Simchat Tora, was deeply regrettable. I also regret that the shift away from Australia's longstanding position and the shift back has been distressing for members of the community who have a deeply rooted and keenly felt stake in the issue.

The government's position was to reaffirm Australia's previous and longstanding position. We remain a steadfast friend of Israel. You might recall, and others might recall, that it was Doc Evatt who campaigned unremittingly for Israel's creation at the UN, and he defined our objective as being to reach a just and fair solution. I believe the pursuit of that objective remains our duty, and the policy is an expression of that duty.

Senator BIRMINGHAM: Thanks, Minister. I'm not seeking to cause difficulties for an individual who may have been the one responsible for clicking on the relevant changes to the website, but we want to understand how the authorisation of the changes occurred.

Senator Wong: I'm not going to—the issue is not the substance of the website. The issue is the substantive position, which is Australia's position. And I've told you, as minister, I've taken responsibility for that. I don't intend—

Senator BIRMINGHAM: Sorry, Senator, there may well be questions to come on substantive issues. However—

Senator Wong: Can I just go back to—

Senator BIRMINGHAM: operational matters by departments are examined right across estimates all of the time, and you have done so many times. You can sit there and say—

Senator Wong: Yes, and I'm also entitled to—

Senator BIRMINGHAM: what you think the question was about.

Senator Wong: Can I just—

CHAIR: Order! Senators, can we please be respectful to each other. Obviously, it's going to be a very long day today. The minister was trying to respond to your questions, Senator Birmingham. But I'd also ask the minister and all senators today: can we please be respectful, given the sensitivities of some of these issues that we're also dealing with as well.

Senator Wong: Can I just go back to a comment you made early on about the *Guardian*. There was a mistake made. This is not how we would have dealt with this. There was no intention, which you seemed to infer, that somehow—I don't know what the implication was in your question, but let's be clear. A mistake occurred and I've taken responsibility for it.

Senator BIRMINGHAM: And the fact that the mistake occurred and indeed caused the type of disquiet and negative reaction and response that you've acknowledged in your apology, Minister, is part of the reason why I want to explore how the mistake came to occur.

Senator Wong: I trust you were this focused on process when your prime minister changed position without going to cabinet.

Senator BIRMINGHAM: Minister—

Senator Wong: Were you?

Senator BIRMINGHAM: you asked many questions at that time.

Senator Wong: Yes. I hope you raised the same issue.

Senator BIRMINGHAM: I'm now in this seat keen to ask the questions. You're the one at the table.

Senator Wong: But I trust that you were, given your concern about process.

Senator BIRMINGHAM: You're at the table, Minister, so it's our chance to ask the questions and your opportunity, after all of these years, to get to answer them. So let's try answering them. At what level was the change to the website authorised?

Senator Wong: I'm referring you to my answer, which is that a mistake was made. I'm not going to, in this forum or in any other, point the finger at someone.

Senator BIRMINGHAM: Was it authorised by your office?

Senator Wong: A mistake was made. I've taken responsibility for it by dealing with the situation. Of course, the timing was not—the process was not as I would have wished, but I'm not going to be pointing the finger at anybody.

Senator BIRMINGHAM: Was there a communications plan presented to your office around making the change to recognition of West Jerusalem?

Senator Wong: I think self-evidently the sequence of the events has been well publicised, so it's pretty obvious there was no communications plan.

Senator BIRMINGHAM: Not necessarily—it could have been poorly executed.

Senator Wong: No.

Senator BIRMINGHAM: Somebody clearly made a mistake. We acknowledge that somebody made a mistake, presumably an innocent mistake. But equally presumably, in the government preparing to make the decision that was made, there were preparations undertaken, including to identify that the website would require changing.

Senator Wong: Well, I've said previously—

Senator BIRMINGHAM: Was your office, or were you, briefed in relation to the communications necessary once the decision was made?

Senator Wong: Well, there are a lot of assumptions in that question. I said publicly on the day this was announced, after cabinet consideration, that this update had occurred ahead of government processes. But I've referred you to my previous answer.

Senator BIRMINGHAM: Minister, you're not addressing the question, which, at its core, is: was a communications plan presented to your office for implementation as part of the decision to change recognition?

Senator Wong: Government processes in relation to this matter had not been finalised. That is actually an answer to that question.

Senator BIRMINGHAM: How was the decision made, Minister? It was made pretty quickly the day after.

Senator Wong: Cabinet made a decision that morning, as I said publicly. We don't discuss cabinet processes, but I can explain my intention to you, which I think you're aware of.

Senator BIRMINGHAM: But—

Senator Wong: May I finish, please? A mistake was made. I took responsibility for clarifying the government's position as quickly as possible. I thought that it was best for that to happen and as a consequence—there were a range of consequences to that, which we've discussed. But the decision was made by cabinet on the morning of the announcement.

Senator BIRMINGHAM: Was it always your intention, subject to the approval of cabinet, to make the announcement that week or that day?

Senator Wong: No. I don't generally do things that way. I think you know that. I like to be a little more prepared.

Senator BIRMINGHAM: When were you intending to make the announcement of the decision?

Senator Wong: That's a matter—it's a hypothetical, but that's a matter for government.

Senator BIRMINGHAM: It's not a hypothetical.

Senator Wong: It is, because it's no longer the case because the decision has been made. But the position was a position that we articulated in 2018. I said we would do what I then did four years ago. I appreciate this is sensitive for people. I regret that some of it—I think, with respect, Mr Morrison's use of this in the Wentworth by-election, overturning a position that you voted in support of in the Senate, was unwise and politicised this issue. It is an issue I do not think should be politicised. I made clear at the time, very explicitly, that, if elected, we would reverse it. And we have.

Senator BIRMINGHAM: Some of your colleagues sought to indicate otherwise during the election campaign, Minister, but we don't need to debate that right now. Who did DFAT consult with prior to the change being made?

Ms Adams: Senator, the minister has said the cabinet decision was made on the 18th. We wouldn't, as a matter of course, consult on cabinet processes as such.

Senator BIRMINGHAM: Actually, most submissions going to cabinet, from my recollection, have an indication as to whether consultation around the intended policy decisions has occurred and consultation ahead of making a policy decision is quite usual.

Ms Adams: I think the position itself was quite clear, as the minister said. The government had made clear before the election that was the position.

Senator Wong: When we say final status issue, I think anyone with an interest in this debate understands what that signifies too.

Senator BIRMINGHAM: So there was no consultation that occurred prior. What engagement occurred with Australia's ambassador in Israel?

Senator Wong: Senator Birmingham, as I said, the sequence around this has been well publicised. You've sought to focus on that. I am interested at some point if you can actually indicate what your position is on the substantive issue, because that is actually the foreign policy issue. Given that there are different—

Senator BIRMINGHAM: Senator Wong, it's—

Senator Wong: You can hide behind that as long as you wish, but your party has now put two different positions on the record. I'd be interested, as the spokesperson: what is your position actually?

Senator BIRMINGHAM: Senator Wong, I've answered those questions publicly and if you like I will refer you to the transcript. However, it's not your opportunity to ask questions here; it is the committee's opportunity to ask questions.

Senator Wong: Yes, you're asking questions and—

Senator BIRMINGHAM: You are seeking to obfuscate around the process by which—

Senator Wong: I'm not, actually. I have actually taken responsibility.

Senator BIRMINGHAM: I acknowledge the apology that you've made.

Senator Wong: I have taken responsibility. That is not obfuscation. So please: you may think it's appropriate, and I know others in your government sought to always point the finger at other people. I am not going to do that. It doesn't matter how many questions you ask me, I'm not going to do that.

Senator BIRMINGHAM: I'm not seeking to have the finger pointed elsewhere.

Senator Wong: Let me finish. You asked a question—

Senator BIRMINGHAM: The question I asked was what engagement occurred with Australia's ambassador in Israel.

CHAIR: Order! Senator Birmingham, please cease interjecting. It's disorderly.

Senator Wong: Thank you. What I was going to say was this: the sequence around this is all publicised and you have sought to make a lot of political mileage out of it. If that's the way you want to deal with it, that's fine. As a consequence, obviously, there was not the consultation and advice that would usually occur. That is the case, including with Australia's ambassador to Israel and others, and it is not the process that we would generally engage in or I have engaged in.

Senator BIRMINGHAM: Was there any communication on 17 October between the department and our ambassador in Israel?

Mr Innes-Brown: Yes, there was, Senator.

Senator BIRMINGHAM: All right. And was that the ambassador contacting the department or the department contacting the ambassador?

Mr Innes-Brown: I contacted the ambassador.

Senator BIRMINGHAM: You contacted the ambassador following the breaking of the news story or in advance?

Mr Innes-Brown: I don't remember the exact sequencing of events, Senator, but, yes, I did contact him to discuss the issue.

Senator BIRMINGHAM: What had prompted you to contact him?

Mr Innes-Brown: Well, it was in the context of the media issue.

Senator BIRMINGHAM: Right, so it was following the breaking of the news story?

Mr Innes-Brown: Yes, that was the context for that.

Senator BIRMINGHAM: What did you advise the ambassador at that stage?

Mr Innes-Brown: Well, at the time, on that date, we were talking about whether there had been a change in policy or not, and at that point in time there had not been a change in policy. So that's what we were talking about, Senator.

Senator BIRMINGHAM: Did you advise him there had not been a change in policy? Did you advise him that it was possible there would be a change in policy and that it was under consideration?

Mr Innes-Brown: I advised him what the situation was at the time, Senator, which was that at that point in time there was no change in policy.

Senator BIRMINGHAM: Surely you were aware that it was under consideration.

Senator Wong: Well, I think you're putting the officer in a difficult position, and in part this has arisen because the distinction between a policy position that a political party takes prior to the election and a process of government to make that policy decision a government policy was not perhaps as fully appreciated as I think it now is. The position of the government was determined at the cabinet meeting on the morning of the 18th, and I took the decision to ensure that our position was publicly clarified as soon as possible, given what had occurred. I thought that was a more responsible position than to allow the distinction between what government had done and

what the Labor Party's policy position was to continue to cause confusion. And, frankly, it's obviously an issue that people from both sides of this debate are, understandably, emotionally affected by.

Senator BIRMINGHAM: Minister, did you approve the words issued by your office later on the day of the 17th?

Senator Wong: Words issued?

Senator BIRMINGHAM: Your office provided a statement back to the media indicating that there had been no change in position.

Senator Wong: At that stage, there hadn't been a change in the government position.

Senator BIRMINGHAM: Yes, sorry, Minister, but your office—

Senator Wong: At that stage there had not been a change in the government position. I think that night I was hosting the Singaporean foreign ministers and trade ministers with Senator Farrell, so I wasn't in the office, obviously. But the position of the government at that time had not changed and it was reasonable for that to be indicated. In fact, that is in part one of the reasons why I thought it was necessary to do what I did, which was make a public announcement.

Senator BIRMINGHAM: Certainly there was a reason for a public announcement given public confusion.

CHAIR: The committee will break for morning tea.

Proceedings suspended from 10:31 to 10:47

CHAIR: Welcome back, everybody.

Senator WHITE: Minister, I was very interested in your opening statement about the new initiative with our National Security College called NS23. As a very new senator, I wonder if you could explain in more detail why it's important for parliamentarians to be engaged on the important issues of foreign policy and national security and why you've initiated this new program.

Senator Wong: I'll perhaps deal with your question in two parts. I think the second part of your question is why I think parliamentarians should be engaged more on these issues. This is a view I have expressed, in fact, for a couple of terms of opposition and in part it reflects the assessment of our circumstances. You were here yesterday when I think the Defence secretary gave a very kind of clear and somewhat grim assessment of our circumstances. For me, it is about ensuring that the polity is sufficiently apprised of what is occurring so that the complexity of the questions we are being asked to answer can be engaged with. We may engage with them and come to a different answer. Senator Chandler and I may have a different view about what the answer is. But I think it is a problem for our country if the polity ends up in the place where these become really partisan, binary issues. I have been clear about my view about the use of 'Manchurian candidate', for example, as a way to deal with the complexity of our issues with China. Everybody is a patriot. How we deal with this is a really important issue now. So I suggested to Senator Payne—it might have even been before the 2019 election, actually, but perhaps I'm wrong—that she should consider more regular briefings of parliamentarians as one of the ways in which we could do that. She said she wasn't convinced, et cetera. So, since I have been minister, I've been thinking about how we could actually do that better. Obviously, we can brief this committee. I'm indebted to Professor Medcalf, from the Australian National University National Security College, who put to me a couple of months ago having an initiative where the college offers national security related training to a group of, say, 25 parliamentarians and those parliamentarians work with the college over a whole year. They will do an intensive introductory program and then they will get briefings and access to other NSE hosted events over the course of the year. Because the government already funds the college, I understand at this stage there will not be a charge for that, although I hope that remains the case. I've written to the President and the Speaker, because it seems to me that is probably the best way to try and sort through who wants to do it. But I certainly hope members of this committee and others will engage in it.

Senator WHITE: I think you can never have too much education, so I look forward to hearing more about that initiative. Can I turn back to passports, please? I wanted to just ask the executive director of the Passport Office a few more questions.

Ms Adams: While the officials come to the table, could I take the opportunity to reinforce what the minister said about the value of bipartisanship on foreign policy. We have three-year election cycles. It's really important from a national interest point of view that we can demonstrate to our partners and allies—in fact, all of our other countries that we work with—that there's a stability, a predictability and a shared understanding of our fundamental national interests. So I take the opportunity to support, from the department's point of view, the processes that have been discussed. Thank you.

Senator WHITE: Thank you very much, Secretary. First of all, I should confess I didn't renew my passport either at the time that it was due. It's a black mark, but it's better to get that on the table straight up than have you look that up and find out I did that. But I understand the mindset of those—

Senator Wong: I think that, to be fair, a lot of people forgot.

Senator WHITE: I'm going to take that. I forgot. It's possible I forgot.

Senator GREEN: On this side you don't have to—

Senator WHITE: That's true. She's asking me questions. How'd I fall for that? Ms Brill, can you tell me what the cost of an adult replacement passport is?

Ms Brill: Yes, Senator. It's \$308.

Senator WHITE: Thank you. Is that the type of passport you'd get if you wanted to replace your passport after the Optus data breach?

Ms Brill: No, Senator, the price I've just given you is for a full validity renewal. A replacement passport is a different cost. It's \$193, and the difference is that when you replace your passport the expiry date remains the same.

Senator WHITE: Right. So if you had some time remaining on your—if you had still some time in that Optus situation where there was still some validity, how would you have treated that? What would the cost be for that sort of passport? It wouldn't have been a replacement? I suppose it is a replacement.

Ms Brill: So, actually, Senator, there are two scenarios. If a customer's passport is still valid for more than two years, it will cost \$193 to be replaced for the time remaining on their passport. Where a customer's passport is valid for fewer than two years, we proceed with a full 10-year passport, which would be issued at a cost of \$308.

Senator WHITE: Let's look at that Optus data breach. What would you say is the average cost of a passport that would have been replaced after the Optus data breach if a customer wished to replace it? Have you got any figures on that?

Ms Brill: No, I don't have the figures. It was 100,000 passports that were affected. One would assume that most of the passports would have more than two years of validity, but I don't have exact figures and I'm not sure we can actually get that data.

Senator WHITE: Okay, so have you got any rough estimate of how much the total cost could have been for all those Optus replacements?

Ms Brill: No.

Senator WHITE: It's about 100,000, you think?

Ms Brill: There were around 100,000 passports affected. Some of those would have expired, some of those would have had two years validity and a number of them would—

Senator WHITE: So the minimum cost maybe would have been 100,000 times \$190. Would that be about right?

Ms Brill: It was 193—correct.

Senator WHITE: So that'd be the absolute minimum if they were all at that, but it's likely to be higher?

Ms Brill: And if everyone chose to.

Senator WHITE: If everyone chose to, that's right. Some, like me, forgot. On 27 September, Senator Paterson and Senator Birmingham released a statement calling on the government to waive the fees for Australians to replace passports caught up in the data breach. To be clear, if that advice were followed, the cost in lost passport fees would have been—well, you can't say, but potentially the minimum that you just said?

Ms Brill: No, I can't say.

Senator WHITE: So possibly—well, let me do some maths. It would be in the vicinity of 19 to 30 million, depending on the average figure. Would that be out of the realms of possibility?

Ms Brill: It's too difficult to say, Senator, because many Australians, as far as we know to date, haven't actually chosen to replace their passport, simply because their passport is still valid for international travel.

Senator WHITE: So does this happen often? Well, it probably has happened a bit recently, I guess. But have you taken this approach with every data breach that might have happened and the cost to taxpayers?

Mr Maclachlan: Senator, every case is different. This case was clearly a very large case, given the scale—more than 100,000 passport records, as we've heard. It's difficult for us to quantify, as Ms Brill has explained, the

potential cost. What we can tell you is that fewer than 2,000 people have actually come forward and in applying for a replacement passport have cited that they're doing so because of the Optus breach.

Senator WHITE: But if everyone did it with every breach, as I said—I think the Medibank one also seems to be impacting passports as well, doesn't it?

Mr Maclachlan: No, it's not. In the case of Medibank, we're not aware of passport numbers being affected.

Senator WHITE: They might be foreign passports.

Mr Maclachlan: There is an issue that we need to be concerned about and that's the moral hazard. If the taxpayer is to foot the bill every time this happens, companies would be less incentivised to actually take care of the requirement of them to look after our data—as in your data, my data and everybody else's data.

Senator WHITE: And also, I guess, you have to start asking why they got that data and should they have the data on passports. That's another question.

Mr Maclachlan: That's a good question to ask. I don't propose to answer.

Senator WHITE: Okay, so, as I said, you've got to weigh it up. It isn't something that would apply to every single data breach—where do you draw the line and whose responsibility is it to look after the data.

Mr Maclachlan: It's very difficult. Every breach is different. There would be very limited scope for us to have any influence, say, over a foreign airline based in another country and even less if we were to be paying every time.

Senator WHITE: Thank you.

Senator Wong: If I could just add to that—I think there are two policy points. Firstly there is the moral hazard point that Mr Maclachlan raised and we discussed, which is that we don't want to set up a situation where there is a lack of incentive for Australian and International business to take the appropriate steps to protect data. Secondly, there is a principle—that is, should other taxpayers subsidise, in this example, Optus's failures? I know that was a position the coalition took. It wasn't the position of the government, as the Prime Minister made clear. I was pleased that Mr Maclachlan's group engaged with Optus and got an arrangement which reflected the right principle—that they should pay, not taxpayers.

CHAIR: Senator Birmingham, you have the call.

Senator BIRMINGHAM: Before the break, I was asking some questions about a statement issued by your office late on 17 October, which simply said the former government made the decision to recognise West Jerusalem as the capital of Israel, and no decision to change that has been made by the current government.

Senator Wong: Which is correct.

Senator BIRMINGHAM: Was there anything else provided in response to media requests by your office in terms of on-the-record comment? My understanding is that's the totality of the statement, but I just want to check.

Senator Wong: Not that I can recall. I'll take on notice if there's any further information I can provide on that. But that short statement was a factual articulation of the position as at that time.

Senator BIRMINGHAM: Given you've made much in the period since, stating that you believed the Labor Party's position that it would make this reversal was clear, why did you not point to the policy of the new government?

Senator Wong: In part, this is not a long-form interview where that can occur or a discussion or a press conference. You're asking me for a hypothetical. I think your question actually goes to the dilemma that we were considering at the time, which is you have a policy position articulated through two elections from the party that's now won government, but government processes haven't enacted that or given effect to that as a policy of the Australian government, and that causes confusion. You have a circumstance where there was a website change and media focus on it, and it was a short, factual statement. As to the dilemma to which you refer and the confusion—the importance for clarity in this position meant it was resolved the next day.

Senator BIRMINGHAM: Didn't your statement, though, add to the confusion? You had a circumstance where changes had been made to the department website which were being interpreted as a change in government position. Your statement emphasising that there's been no change was even then, in the publishing of that statement, liked by Australia's ambassador to Israel in a tweet. He was clearly taking some comfort from the statement that there'd been no change, and saw that as being important, only then for the change to happen the next day, creating that confusing backwards and forwards scenario that occurred.

Senator Wong: There was a factually correct statement issued. The need to confirm the position as a government is made clear by your questions and certainly was what drove or motivated my decision to announce the next day.

Senator BIRMINGHAM: Let's go to the next day. What contact the next day was had with Australia's ambassador to Israel?

Senator Wong: You've asked that a few times.

Senator BIRMINGHAM: I haven't asked that. I asked about prior to, and we got the advice that there was a conversation on the 17th.

Senator Wong: You're very focused on the ambassador to Israel.

Senator BIRMINGHAM: We're now on to the 18th.

Senator Wong: My answer is the same. The sequence of events there has been well publicised. It's not a process that is how I would usually do these things. As a consequence, there were people who in the normal course of events would have been consulted and advised who were not or who were advised later than I would like.

Senator BIRMINGHAM: Was he advised before your press conference?

Ms Adams: It was the middle of the night.

Senator BIRMINGHAM: Given the way it was received in Israel, I'm not sure that waking up the ambassador would have been of high importance.

Senator Wong: A number of people who I would prefer to have been advised and that the department usually advise obviously were not, in the way that we would usually do, for the reasons I've outlined.

Senator BIRMINGHAM: Given you'd issued the statement clarifying there'd been no change in position, what was the urgency to go out and make the public announcement after the cabinet meeting without talking to our ambassador to Israel, without talking to the Israeli government, without communicating with the Israeli community in Australia, without communicating with Israel's ambassador to Australia? Why was the time not taken to at least do some of those consultations before your press conference?

Senator Wong: We considered it to be disingenuous to hold the position that had been held, and in fact you've just been critical of it. Precisely the concern that you've raised about a factually correct statement as to the government's position, which you've been critical of, led to a judgement that government made, including me, that it was best for this to be clarified. We chose to do that.

Senator BIRMINGHAM: So, you were conscious of the fact that none of those consultations had occurred?

Senator Wong: I don't agree that none, but I would say, of course, you would usually ensure that there was more lead time. I understand politically why you wish to focus on process, but I would again make two points. The first is this is a longstanding position of the Labor Party. I first indicated this four years ago, and have had discussions and many consultations with members of the Australian community and representatives of past Israeli governments about it, over that period. Their position is clear, as is ours. I have never resiled from the position that is how we should approach it, for the reasons I've outlined. The second is the substantive point. I again understand why you wish to focus on this. Your government made a decision to overturn decades of bipartisan policy without even going to cabinet. Let's remember this is a somewhat late focus on process from the coalition when it comes to this issue.

Senator BIRMINGHAM: Following the decision by cabinet, did you give any direction to the department in relation to consultation that should or should not occur?

Senator Wong: What do you mean by 'consultation'? There had already been engagement with the Israeli ambassador. Is that what you mean?

Senator BIRMINGHAM: Following the cabinet decision, having got the clarification of the government's position, as you describe it, did you then direct or ask the department to consult or not to consult with anybody prior to you making the public announcement?

Senator Wong: Between cabinet and the announcement, in that time frame?

Senator BIRMINGHAM: I don't know what time cabinet finished.

Senator Wong: No, I didn't tell them not to consult with anybody; is that the question?

Senator BIRMINGHAM: Did you ask them to consult with anybody?

Senator Wong: I think we were at office level seeking to advise as many as we could at that point.

Senator BIRMINGHAM: Whom did you manage to advise before the public announcement?

Senator Wong: I'll have to take that on notice.

Senator BIRMINGHAM: Let's go to the handling of the fallout. We established at PM&C estimates that you have spoken with Israel's ambassador to Australia. At that stage there had been no engagement with outgoing Prime Minister Lapid, nor Israel's foreign minister. Has there been any engagement since?

Ms Adams: I'll ask the division head, Mr Innes-Brown, to talk about what the department and Australia's ambassador to Israel did subsequent to the announcement.

Mr Innes-Brown: Yes, there's been no contact at a number of levels both in Tel Aviv and here in Canberra with the Israeli embassy since on these issues.

Senator BIRMINGHAM: My question is actually whether at a prime ministerial or ministerial level there had been any contact?

Senator Wong: Sorry. I misheard him. I thought he said there'd been no contact. That's not right. I think I indicated in the Senate that I'd had a conversation/personal meeting with the Israeli ambassador, which was very constructive, and I appreciated that. As I said in the Senate, I agreed with him that, given the circumstances, it was appropriate for me to relay that publicly, that we had a constructive in-person meeting, in which we both expressed our views about the importance of working together for the bilateral relationship.

Senator BIRMINGHAM: Given the negative comments that came from Israel's Prime Minister and others in Israel, did you seek to speak with your Israeli counterpart?

Senator Wong: No, I did not.

Senator BIRMINGHAM: Why not?

Senator Wong: We've continued to engage with the Israeli government. There were a number of discussions. My message to the Israeli ambassador was consistent with my public expression of regret as to the timing of it, and the consequence of the time line of decisions. I hope we are in a position now that the election has been held to engage with our counterparts once the government has been formed.

Mr Innes-Brown: Sworn in.

Senator Wong: I was trying to remember the word; thank you.

Senator BIRMINGHAM: To that end, has Prime Minister Albanese spoken with Mr Netanyahu or had any contact with him?

Mr Innes-Brown: Mr Albanese has tweeted a message of congratulations. I'm not aware whether he's had a phone call or not.

Senator BIRMINGHAM: Sorry? You're not aware whether—

Mr Innes-Brown: He's tweeted to extend his congratulations. What I said was I do not know whether he has had a phone call with Mr Netanyahu.

Senator BIRMINGHAM: DFAT would get a readout if there'd been a phone call, though, wouldn't they?

Ms Adams: Most likely. The swearing in hasn't happened yet, of course.

Mr Innes-Brown: That's right; it's believed to happen late next week. The 15th was the latest estimate I saw of when the Israeli government may be sworn in.

Senator Wong: We'll take advice about the appropriate time in which those contacts can be made.

Senator BIRMINGHAM: It's on the public record; the French President, the US President, the Ukrainian President—they've all spoken with Mr Netanyahu. Has a request for a call been made?

Senator Wong: That's a matter for PM&C.

Senator BIRMINGHAM: Surely DFAT would know?

Senator Wong: You could ask PM&C that.

Senator BIRMINGHAM: Surely DFAT would know whether a request for a call with an incoming Prime Minister of a foreign country has been made?

Senator Wong: I'm sure you didn't know every call or maybe you did know every call that Mr Morrison made. I don't know. I'd doubt it. You'd probably say you didn't.

Senator BIRMINGHAM: Does DFAT know whether a request for a call has been made?

Ms Adams: I don't.

Senator BIRMINGHAM: Ms Chan or Mr Innes-Brown?

Ms Chan: I'm not aware.

Mr Innes-Brown: I have nothing to add; I don't know.

Senator BIRMINGHAM: That would sound remarkably like no request for a call has been made, if none of the relevant officials has any awareness of a request.

Senator Wong: Hang on. Please don't say that. They're actually not the relevant officials. Prime ministerial calls are sought and determined by PM&C. Yes, usually it's the case that DFAT's involved; I'm aware that it's not always the case. I know from previous estimates Mr Morrison made calls that DFAT or the Foreign Minister weren't aware of.

Senator BIRMINGHAM: None of the officials who you would expect to be aware that a request had been made indicated a mere awareness.

CHAIR: Last question, Senator Birmingham.

Senator BIRMINGHAM: What is the government's position on the recognition of Palestine?

Mr Innes-Brown: The Australian government does not recognise the state of Palestine. We obviously acknowledge their future aspirations for statehood, but at this time we do not recognise a state of Palestine.

Senator Wong: Our call on the position in Jerusalem is consistent with this, for sides to resume negotiations towards a just and enduring two-state solution. That principle is in part what drives the position on the reversal of the West Jerusalem issue.

Senator BIRMINGHAM: Will the position on recognition of the state of Palestine remain the same through the life of this parliament, absent a resolution on a two-state situation?

Senator Wong: You're asking me to foresee the future. Are you asking about the Labor Party policy position?

Senator BIRMINGHAM: I'm asking about the government's position.

Senator Wong: The Labor Party policy—the government's policy position—

Senator BIRMINGHAM: Tell me about the Labor—

Senator Wong: Do you want to finish?

Senator BIRMINGHAM: Go on, Senator Wong.

Senator Wong: The government's position is as Mr Innes-Brown outlined. I'm sure you would be aware of this. Obviously, there are many parts of the community who feel deeply about this issue from both sides of the debate. Just as there are communities who feel deeply supportive, as the Labor Party has been, of the establishment of the state of Israel and the right of Israel to live in security behind internationally recognised borders, there are also people who have a very strong view about the lack of progress towards a two-state solution, and the consequence of that for the Palestinian people. This has been a discussion in the community for many years. The resolution that the Labor Party has arrived at is an expression from the national conference about the will of the national conference, but a recognition that this is a matter for government.

CHAIR: Senator Green, you have the call.

Senator GREEN: Given Senator Birmingham's interest in the matter, which I know has been canvassed in previous estimates, can I just check: when Mr Morrison changed the position in 2018, was the ambassador advised before Mr Morrison made that decision?

Mr Innes-Brown: I think we'll have to take that on notice.

Senator GREEN: I have some questions about the Official Development Assistance budget. I'm looking at a table that was prepared by DFAT for Senator Wong during estimates in April 2022. I just want to confirm that the temporary and targeted ODA measures that were put in place by the former government as part of the COVID-19 Response Package were due to expire at the end of the next financial year, according to that table?

Ms Adams: Yes, that's correct.

Senator GREEN: In relation to support for the Pacific, Timor-Leste and South-East Asia, with regard to COVID-19 assistance, as to the money that was allocated by the previous government—was there no additional funding after 2023-24?

Mr Brazier: After 2023-24, most of those temporary and targeted measures expired.

Senator GREEN: Most or all?

Mr Brazier: I'll have to just check the table. The COVID Response Package for South-East Asia expired in 2023-24.

Senator GREEN: There are some more people at the table to assist you.

Mr Brazier: The COVID-19 Response Package for vaccines expires at the end of this year. The additional support for the Pacific and Timor-Leste expires at the end of financial year 2023-24.

Senator GREEN: The ODA budget under the previous government would have gone back to the baseline of \$4 billion in 2024-25; is that a correct description? There's a baseline level of funding? After the COVID-19 measures ran out, it would have gone back to that baseline level?

Senator Wong: That's correct. I can't find all the numbers in this folder, but I can do it from my head without the numbers. You're correct. For some reason the previous government decided that the best way politically to deal with an increase in ODA or a maintenance of a certain level of funding of ODA was to describe a component as temporary and targeted. What we have done is said—and this really goes to my response to Senator Faruqi—at this time we not going particularly for Pacific, but also given our commitment to a deeper engagement with South-East Asia we're not going to take that off and start our GNI increasing off a lower base. The judgement that I have made as minister, with Minister Conroy, supported by the department—and I'm grateful to my ERC colleagues for accepting, after some discussion, this position—is to make the temporary and targeted part of the base, and that has resulted in \$1.4 billion additional ODA over the forward estimates, which includes \$1.9 billion to Pacific and \$1.2 billion to South-East Asia. Sorry; \$900 million to the Pacific, \$470 million to South-East Asia, and the Australia NGO Cooperation program, by \$30 million. But if I'm wrong, can someone at the table say so? I don't want to have to come back and correct.

Mr Brazier: We don't as a matter of course prepare that table. That was a request by the senator for the April 2022 estimates. You're correct; once those temporary targeted measures have lapsed, the annual base would have fallen to around \$4 billion.

Senator GREEN: The minister has outlined the measures in this budget.

Mr Brazier: The measures in the new budget, the minister—

Senator GREEN: Unless there's a correction, I think we can take those figures as read. There's no corrections? My other question, Secretary, might be an appropriate one for you. Why are these increases in funding important for our national interest particularly at this time?

Ms Adams: You're absolutely right. I think the role of development assistance particularly in the Pacific and in South-East Asia is a very fundamental part of the partnerships that we're rebuilding and reinforcing. So, we will be using the increased development assistance to focus on priorities presented to us by the Pacific countries themselves and by our longstanding development partners in South-East Asia. I think from my point of view, the incorporation of development policy, trade policy, investment, and foreign policy in our department does allow us to really coordinate with the power of the development program behind us to deliver for our partners in their interests. It's a crucial part of our toolkit.

Senator GREEN: How has it been received by our partners since those announcements of the increased funding?

Ms Adams: I think it's fair to say, extremely well. The minister outlined in her introductory statement the number of countries that she's visited and you will have heard the number of Pacific island countries as well as South-East Asian countries. As you would expect, those development partners have been very appreciative of both the extra amount, and to your earlier question, the incorporation of what had previously been temporary into an ongoing future base. More predictability allows for longer term decision-making. There's more predictability for all sides, including the delivery partners. But I would say it's not just the bilateral partners that have noted and applauded the new announcements. It's also been recognised more generally from our international partners, the donor community. I think in particular, for example, the Partners for the Blue Pacific grouping, which has been formed to better coordinate and align the work that various development partners for the Pacific do. So, in that regard, for example, at that meeting in the UN, the intention which had already been of course foreshadowed to increase ODA was very well received. Of course, we will look forward to the work of identifying exactly how that will be allocated.

Mr Brazier: In addition to the secretary's remarks, it's important to note the devastating impacts of the COVID epidemic, the war in Europe, the effects of climate change with drought and floods have caused a reversal in many of the gains in our region and globally in human development. Some countries are actually going backwards, with more people facing food insecurity, and indeed some countries have even been relegated to a lower development status. That is comparatively rare in recent history. An increase of this nature, especially one

which is locked in fully over the forward estimates, gives the department the opportunity to plan carefully with partner governments how to tackle this new raft of really difficult challenges.

Senator GREEN: I just have one last question, Chair, if I could. Thank you for that information. The question I have is, in practical terms, for people who might not know how that funding is spent. Thank you, Mr Thomson, for being at the table. I want to say thank you; I attended one of the events that is supported by this funding last night with national teams from the Solomons, PNG, Fiji and the Young Matildas. Can you address how some of that funding is helping in terms of gender equality and empowerment of young women across the Pacific?

Mr Thomson: In our development program there are a number of ways that we address gender issues. The first way is that we seek to mainstream gender equality through all of our programs. It gets to the point that was discussed earlier this morning. Each year all of our programs, over three million, are reviewed. One of the things they are measured against is gender equality. In the Pacific, in the bilateral programs there are specific projects that seek to address gender issues. Across all of the programs we seek to mainstream. But then we have, in our regional program, a big program that's Pacific women led. That program is \$170 million over a five-year period. The objective of the program is to really listen to the objectives of the region, what their goals are in terms of gender equality. Through regional institutions there's a whole raft of initiatives and goals that the region has. The 2050 Blue Pacific Strategy, the Pacific Ladies Gender Equality Declaration and Triennial Conference of Pacific Women are three examples of where the region's objectives for advancing gender equality and reducing violence against women and girls, as two examples, are set out. Our program at the broad level seeks to help the region achieve those objectives.

Senator GREEN: And the certainty in funding, as Mr Brazier mentioned, helps you plan those programs better?

Mr Thomson: Absolutely, that's right. As to the increase in funding that was announced in the budget for the Pacific—of the \$1.4 billion increase, \$900 million of that is going to the Pacific over the forward estimates. That increase in funding to the Pacific will enable the government to also increase the funding that goes towards helping the region meet gender equality objectives. That's certainly the minister's objective and the Office of the Pacific will be working to help achieve that.

CHAIR: Deputy Chair, you have the call.

Senator CHANDLER: In relation to our response to the Iran situation, could the relevant officials come to the table. Yesterday, when the Prime Minister was asked in question time why sanctions hadn't been implemented in response to the Iranian regime killing women and girls, the Prime Minister said, 'One of the things we have done is make sure that with any action that's taken we're fully cognisant of the implications for Australian business of that.' Minister—

Senator Wong: The Australian, sorry?

Senator CHANDLER: And that 'we're fully cognisant of the implications for Australian business of that.' Why did the Prime Minister link this delay in action with the consideration of business implications?

Senator Wong: You said you wanted to talk about Iran. I think on this it is useful for us to make sure we are joined in our articulation. I'm sure I speak for all senators when I say Australians condemn the violent crackdown on protesters. We condemn the death of Mahsa Amini, whose Kurdish name was Jina, and other women and girls at the hands of the regime. We condemn those actions as reprehensible and we have called for those responsible to be held to account. Consistent with this, we have sought both directly and at all levels of our government, including publicly and through multilateral fora, to assert those principles, a condemnation of the violence, calling for an end to the oppression of women, from the Prime Minister, who has made public statements to myself, to our officials, and actions here in Australia, and also in the UN, in the context of the UN. I think that is the framework that I would articulate. You asked specifically about sanctions. One of the things I think it's important for us to think about and consider, and certainly something I want more engagement and discussion on as foreign minister, starting with first principles, is that we take the world as it is but we seek to shape it for the better. Human rights is a key part of that. How do we promulgate that? How do we best act to assert our views about human rights in the broad and in the specific in a world where, let's be honest, a great many countries do not share our views? There are different regimes and different views in our region. For me there's a series of tools. One is the power of the word. You speak clearly and consistently. The other is what you do with your development program. You seek to empower civil society; you try to alleviate suffering but also eliminate structural barriers to gender equality.

One of the things we announced in the election was doing the right thing on the Modern Slavery Act. There are human rights concerns in a number of countries about slavery, and it includes targeted sanctions for those

responsible for human rights abuses. But that will only ever be one of our tools to promote human rights. Our job is to think about the broad way in which we can engage to try, as I said, to shape the world for the better, recognising that is always a work in progress.

I think the Prime Minister has made clear his views about not only the death of Mahsa Amini but also the oppression of women and the targeting of protesters. I don't know whether Mr Innes-Brown could add to that?

Mr Innes-Brown: As the minister said, we've been very active in making clear our deep concern about what's been going on. The minister has made two important statements, and has also delivered a number of social media messages. As the minister said, in multilateral fora we've made statements—in both the Human Rights Council and also in New York at the UN, and on other platforms—on at least six occasions since this violence erupted. I would also add that I have called in the Iranian charge d'affaires on three occasions during this period to convey in the strongest terms our concern about what's been happening. I've also spoken to him on another occasion about very concerning reports about intimidation of people here in the community.

Senator CHANDLER: Thank you very much for that. I'm glad that you have raised that. Obviously, we all agree with the sentiments that the minister put on the record and we all condemn the appalling violence, and done so publicly. I think the local Iranian Australian community in particular is looking for tangible action. I do want to go back to the question that the Prime Minister responded to in the House yesterday, and the reference to the consideration of the implications for Australian businesses of what we might do. I'm interested to know why that linkage was made and what was meant by that linkage.

Senator Wong: The Prime Minister can speak for himself. I have just been sent the answer:

I have, as well as the Foreign Minister, expressed my abhorrence at the Iranian regime, especially after the tragic killing of Mahsa Amini. What we have seen is a clampdown on the rights of women in Iran. Much of the diaspora here has expressed their abhorrence at this action, and we'll continue to work with our allies in multilateral forums such as the UN. I expect this to be a topic raised at meetings I'm attending with global leaders over the coming week. I acknowledge the enormous hurt that Iranian people, but Iranian women in particular, are feeling at this difficult time, watching this clampdown on human rights in Iran for things we take in this country for granted.

I think there was quite a lot that he said. He ended by stating:

We'll continue to speak out. We'll continue to vote in any forums in which Australia has a presence to ensure the people of Iran, who are showing great courage in standing up for their human rights, know that Australia, as always and in a bilateral, bipartisan way, is friends of all those who stand up for their individual rights and in this case in particular the rights of women.

The Prime Minister made his position very clear.

Senator CHANDLER: Speaking of our allies, as you did in quoting the Prime Minister just then, I note that the Canadian foreign minister has said, when they were announcing their fourth package of sanctions on Iran, in relation to the violence on 31 October, Canada will use all diplomatic tools at its disposal to respond to these brutal and unacceptable actions perpetrated by the Iranian regime. On 26 October, again, while announcing further sections, Secretary Blinken said that those 'measures demonstrate our commitment to use all appropriate tools to hold all levels of the Iranian government to account'. They are very strong statements from our allies. Why isn't Australia, which hasn't yet announced sanctions, using all of the diplomatic tools necessary to hold Iran accountable?

Senator Wong: You would know there are already pre-existing sanctions on Iran.

Senator CHANDLER: But not specific to what we are seeing.

Senator Wong: There are already pre-existing sanctions on Iran. You asked about diplomatic tools. I'm happy for us to go through what we've done. In September we raised concerns about the circumstances surrounding the death of Mahsa Amini, and the violent crackdown of protests with the Iranian embassy. On 27 September I issued a joint statement with Minister Gallagher condemning the crackdown. I made further public calls on social media calling for a prompt, impartial and independent investigation into the death of Mahsa Amini.

On 30 September we signed on as a nation to a joint statement of the 51st Session of the UN Human Rights Council denouncing Iranian authorities for the use of force. I again made a public statement via social media condemning the heavy-handed repression of protests and reports of violence against students on 10 October. On 13 October, Australia delivered a statement to the UNGA Committee Interactive Dialogue with the Special Rapporteur on the Situation of Human Rights Defenders, and called for an investigation of Mahsa Amini's death. The embassy was spoken to again on 13 October. On 18 October we joined the Freedom Online Coalition's Joint Statement on Internet Shutdowns in Iran. I provided a video statement.

After discussions with Melanie Joly, the Canadian Foreign Minister, and after engagement with her about a meeting—unfortunately, I was in the Pacific so I couldn't get online to the meeting—I said, 'Can we do something else?' We agreed I'd do a video statement to the meeting, which I then publicly released, and I called on Iran to cease its oppression of women and oppression of protesters, which we then put out on social media. The PM released a message condemning the death of Mahsa Amini, and reiterating Australia stands with the women and people of Iran.

We delivered a further statement to the UNGA Third Committee on the Human Rights Situation in Iran on 26 October. We joined with our friends from Canada and New Zealand in expressing our grave concerns about the situation to the UNSC, including in relation to the UN Commission on the Status of Women. I made that statement public on 3 November. There have been quite a lot of actions taken by the government. Of course we all wish we could do—

Senator Van interjecting—

CHAIR: Order! Interjections are disorderly. Minister, continue.

Senator Wong: Do you know what your government did when Iran was elected to the Committee for the Status of Women? Nothing. So, perhaps you should go and speak to—

Senator VAN: Now that you're in government why don't you—

CHAIR: Order!

Senator Wong: Yes, that's right. I've just outlined what we are doing.

Senator VAN: As I said, it's a lot of—

CHAIR: Order! Interjections are disorderly.

Senator VAN: I'm sorry, Chair.

CHAIR: Senator Chandler.

Senator CHANDLER: Finally—and I will come back to this topic during the day but I'm cognisant of sharing the call around—do you agree that Iranian individuals and entities that have been sanctioned by the US, Canada and the United Kingdom for the involvement in the killing of women and girls deserve to be sanctioned?

Senator Wong: It wouldn't be appropriate for me or any foreign minister to engage in speculation about potential listings in a public place. The government's position about the human rights abuses is clear. I would make the point there are pre-existing sanctions which the past Labor government put on. I don't think there are any sanctions put on to Iran by the former coalition government, UNSC and autonomous sanctions, including against the Islamic Revolutionary Guard Corps and a number of key IRGC officials. I do understand the call for further sanctions. We always assert publicly sanctions remain under active consideration. On this and other issues you will understand that no foreign minister in this forum is going to be actively speculating on potential listings.

Senator CHANDLER: Just quickly, has the department provided any advice about whether Magnitsky sanctions could be applied to Iran?

Ms Adams: The question is under active consideration.

CHAIR: I am happy to hand over to the coalition senators.

Senator NAMPIJINPA PRICE: My questions relate to the new role of the Ambassador for First Nations. I would like to get a clear understanding of the outline and functions and purpose for the advertised position for the Ambassador for Aboriginal and Torres Strait Islander People.

Mr Brazier: On 21 September, the foreign minister, with Minister Burney and Senator Dodson, set out some of this in a press release, describing the purpose of the position for First Nations and policies as embedding Indigenous Australian experiences and perspectives into Australia's foreign policy, and ensuring Indigenous heritage is reflected in Australian foreign policy. The public call for expressions of interest in the role of ambassador was issued the same day. That expression of interest expanded on this, identifying six areas, the first being maximising opportunities for Indigenous Australians in our globalised world; enhancing our engagement with our neighbours; establishing First Nations dialogues with like-minded, starting with New Zealand and Canada. The ambassador would also lead Australia's engagement in some multilateral fora, especially the specialised Indigenous bodies at the United Nations. The ambassador would also contribute to efforts to increase opportunities for Indigenous Australians to participate in international trade. The ambassador would also play a critical role internally in increasing this department's capability on First Nations issues.

Senator NAMPIJINPA PRICE: What differentiates Indigenous foreign policy from Australian foreign policy in general?

Ms Adams: From my point of view, we have an Australian foreign policy. We have different ways of expressing that. We're looking to broaden the story, I guess, we tell of Australia. We have an Australian foreign policy.

Senator NAMPIJINPA PRICE: Are Indigenous Australians as well, Australian citizens?

Senator Wong: Of course they are. We have thematic ambassadors from cyber, counterterrorism, gender equality, women and girls and climate change. I understand your position. You have taken a position on the Voice, and you're entitled to do that. It's not one many share; others do. It's obvious that you have a view on that. I can say this to you: I think in the world, telling the full story of who we are is a good thing to do, regardless of one's political views over the Uluru statement. This is about telling the full story of who we are. It is a powerful story. It is a respectful story. I can tell you, when Pat Dodson engages with members of the Pacific community in the UNGA, he speaks with a different experience from mine, and that is a good thing because it tells the full story of who we are.

As you know, the history of First Nations peoples in this country is they were our first traders. I was privileged in opposition to engage with, I think it was, men and women from Charles Sturt University, who talked about the diplomatic history of First Nations people. This is about telling the full breadth of the story of who we are. It is also to enable those connections to be made, which can be made in a way that contributes to the nation's influence and strength.

Senator NAMPIJINPA PRICE: I understand the requirement for the various different roles. I am just trying to understand—

Senator Wong: Sorry; Charles Darwin University, I've just been told. I apologise.

Senator NAMPIJINPA PRICE: I am just trying to understand why the continuing theme of segregation of First Nations people by this—

Senator Wong: I reject that. It's not about segregation. It's about inclusion and actually a place in our international story that we have not told.

Senator NAMPIJINPA PRICE: I would suggest that inclusion requires recognising us as Australians along with all other Australians.

Senator Wong: You are. I asked Senator Malarndirri McCarthy to go to a meeting in the Pacific, because I think every minister in the portfolio was elsewhere. Not from her through Pacific colleagues I got that she opened her discussion in language, she talked to them about what we were doing, and they were really interested and engaged. There was agreement about continued involvement of a First Nations woman from Australia on that particular committee. I actually think that's a good thing for our country. Nobody is less Australian as a result of that.

Senator NAMPIJINPA PRICE: That's good; perhaps she could be the foreign affairs minister, just like any other member of parliament. She's no different because she's an Indigenous person.

Senator Wong: So, you don't like her representing Australia at a meeting?

Senator NAMPIJINPA PRICE: No, I think if she was foreign minister she would make a wonderful representative of all Australians.

Senator Wong: I think I was representing us somewhere else. You have a view about this.

Senator NAMPIJINPA PRICE: I just think it's ideologically driven. As someone who has Indigenous heritage, I do find it divisive—

Senator Wong: Your view is not shared by the First Nations caucus of the Labor Party, nor many of the First Nations communities with which I consult.

Senator NAMPIJINPA PRICE: Can you please explain to me what 'convening power among Australian First Nations stakeholders' means?

Mr Brazier: Is that a reference to the terms of reference?

Senator NAMPIJINPA PRICE: Yes, it's a reference to the position.

Mr Brazier: I assume that's a reference to the individual being able to consult effectively and widely, using seniority and credibility that will resonate with the widest possible groups of First Nations Australians.

Senator NAMPIJINPA PRICE: I guess that's my point. There's a lot of investment in the elite of Indigenous Australia but very little investment in supporting certainly traditional owners on their land in terms of their economic development opportunities. This focuses on ensuring the elite are well established on a global scale, but very little is being done from this government on the ground.

Senator Wong: If you want to have a discussion about domestic policy, this obviously is not the portfolio. You're making a political statement and you're entitled to make it, but it is not a question, it's a political statement. If you want to have a discussion about the practical measures the government is engaged in—

Senator NAMPIJINPA PRICE: In terms of practicality—

Senator Wong: Let me finish, please. If you want to ask about that, I would invite you to go to the appropriate agency to ask questions about health funding and education. Do you want to know why we did this? We have a First Nations caucus in our party. I have engaged with them and they in turn engage with their communities. One of the things we were asked to do—and we wanted to do as frontbenchers prior to the election—was to think through and consult on how we could reflect in our portfolio some of the principles which are at the heart of the Uluru Statement from the Heart and how we could keep faith with those principles. I appreciate you don't accept the legitimacy of a statement that was agreed by so many First Nations representatives and peoples. But that is the way we have approached this.

Senator NAMPIJINPA PRICE: I doubt that you would accept 0.03 per cent of the Asian community on anything with regard to any decisions made with regard to the Asian community of Australia, which is the same principle.

Senator Wong: I'll answer that. You want to talk about my ethnicity and my heritage.

Senator NAMPIJINPA PRICE: No, I'm—

Senator Wong: I am deeply proud and deeply grateful that the Australian people have chosen to put more people from diverse backgrounds into our parliament.

Senator NAMPIJINPA PRICE: I'm glad you're proud.

Senator Wong: I am. I think it is a good thing for our country.

Senator NAMPIJINPA PRICE: If I can relate it to the portfolio?

Senator Wong: You asked me a question about being Chinese, so I'm responding.

Senator NAMPIJINPA PRICE: I didn't ask you a question on that. I put it to you that's what the premise is.

Senator Wong: I sat there and I watched Ms Sitou give her first speech—

CHAIR: Order!

Senator NAMPIJINPA PRICE: It is your position that the Uluru statement should represent us all. I'm suggesting to you it doesn't. And they'd probably feel insulted if that was the case for Asian Australians, and that's the point I want to make. Isn't this position just another international PR role for the Voice referendum?

Senator Wong: No. You don't wish to listen to our answer. I've tried to faithfully and in good faith explain to you why we have done this. You don't listen, I think, if I may say, in a way that enables you to hear what I'm saying. You have your view; that's your view.

Senator NAMPIJINPA PRICE: I'm certainly listening. I'm listening loud and clear. It says in here that the position is to strengthen connections between First Nations people and communities of the region; engage regional partners on the Voice, Treaty and Truth process. So, it's not a PR position for the Voice internationally?

Senator Wong: No.

Senator NAMPIJINPA PRICE: Even though this is one of the main focuses of the position?

Senator Wong: Would you like me to repeat my earlier answer? In my earlier answer, I tried to explain to you why we think telling this part of Australia's story matters to our story in the world. This is about articulating and projecting the reality of modern Australia. I for one am very proud of that reality, and I think it should reflect more—

Senator NAMPIJINPA PRICE: I've heard your pride. Thank you.

Senator Wong: I think it should be reflected more in how we engage in the world, both our multicultural heritage but also our First Nations heritage.

Senator NAMPIJINPA PRICE: Which involves listening to all Indigenous perspectives, no doubt. What is the budget figure for this particular role in terms of the salary and the activities this role will conduct?

Mr Brazier: The portfolio budget statement outlines \$2 million over two years, the current financial year and next financial year; \$1.3 million this year; and \$700,000 next year. This includes staff salaries for the task force in the department, remuneration for the ambassador, international and domestic engagement, and meeting facilitation and scoping studies.

Senator NAMPIJINPA PRICE: Whose Indigenous perspectives does it seek to represent, specifically?

Mr Brazier: All Indigenous perspectives would undoubtedly be welcome in the pursuit of this First Nations foreign policy.

Senator NAMPIJINPA PRICE: All 800,000-plus Indigenous perspectives?

Senator Wong: That question—

Senator NAMPIJINPA PRICE: Can you be more specific as to what that means?

Senator Wong: That question may apply to the Ambassador for Women and Girls, the Ambassador for Human Rights and the Ambassador for Cybersecurity. Obviously, there is a diversity of views. I assume the ambassador would consult widely. You seem to be very concerned about a First Nations voice internationally. I hear the concern. I don't actually understand it.

Senator NAMPIJINPA PRICE: I didn't think you would, but thank you. That's all in terms of my line of questioning.

Senator VAN: I have questions about Ukraine, if the appropriate officials could come forward. Prior to the illegal invasion of Ukraine by Russia, there were 60 countries that had posts in Kyiv. Can you tell me how many of them have returned back to Kyiv?

Ms Chan: It's around 60 or a little bit more. I don't have the exact figure. I could check that for you.

Senator VAN: There were 60 previously. Are you saying all of them are back now?

Ms Chan: Not quite all of them.

Senator VAN: Can you list the ones that aren't back?

Mr Cannan: I'm not sure of the origin of the number of 60, but around 60 have returned, and some embassies have not returned.

Senator VAN: As to the ones that haven't returned, can you tell me if I'm wrong or right with my list: Algeria, Bulgaria, Cuba, Kuwait, Libya, Malaysia, Mexico, Qatar, Saudi Arabia, Serbia, UAE and Australia?

Mr Cannan: Some of those countries you indicated correlate with our understanding.

Senator VAN: Not necessarily great company to be keeping. Can we explain why we haven't returned our embassy to Kyiv?

Ms Adams: The responsibility for workplace health and safety of the department's employees rests with me as a matter of law. In deciding the appropriate time for our representatives to return to Kyiv from their current workplace in Poland, I make an assessment of the workplace health and safety laws that apply to Australia, apply to me, apply to us, and I've determined that it's, at this stage, not consistent with our legal obligations to return the employees to Kyiv.

Senator VAN: Our OH&S responsibilities are greater than the 60 countries that have; is that what you're proposing?

Ms Adams: Every country has different laws and no doubt different responsibilities. Australia's requirements are quite exacting. We of course are also in a different situation to many European countries in terms of NATO support that they have available to them. We are not a NATO country. We don't have a military station just outside the country. We are in a different situation.

Senator VAN: What assessments have you done on the ground to make sure that you're aware of what's safe and what's not?

Ms Adams: We are of course in contact with like-minded embassies, both in and outside the country. I also watch the news. It's been very sad to see the attacks on Kyiv on our TV screens very recently. We take a variety of information into account.

Senator VAN: I'll table this. This is a photo that I took outside our embassy on my first morning in Kyiv on my morning run. I jogged past our embassy.

CHAIR: Can you provide a copy for not just my benefit but also for the benefit of other senators and the secretariat.

Senator VAN: As I said, I'm tabling it. You'll notice in that photo—

CHAIR: We'll just wait for the photo to come to the table. Do you have other documents you need to table? I would appreciate it if the secretariat could get that in advance, as per my opening statement this morning.

Senator VAN: No, that's it. While we're waiting for that, you said you speak to like-mindeds about their assessments. As this photo will show, and as you would no doubt be aware, we share an embassy or a building with the Canadian embassy. In that photo you'll notice that the Canadian flag is flying very proudly in front of

their embassy, because they've returned their ambassador and staff to that embassy. Is Canada one of the countries that you've consulted with?

Ms Adams: Of course we make decisions based on our own assessments and Australian law. I note that it's a 'do not travel' destination, according to our travel advice for Ukraine. Some mornings look like that. Other mornings you will find streets that don't look like that.

Senator VAN: I've been there. I know what the streets look like. Yet that didn't stop the Prime Minister from going on his, let's say, whistlestop tour of Ukraine, and it didn't stop him from taking the ambassador with him to Kyiv. You're saying there are occupational health and safety problems with having the ambassador there. How does one trip of the ambassador into Kyiv differ from another trip?

Senator Wong: I think there is a difference between a prime ministerial trip with all of the security arrangements associated with that, and the advice Ms Adams has provided the government.

Senator VAN: So we wouldn't provide security to the ambassador if we thought there were security issues.

Senator Wong: Nobody is saying that. I think Ms Adams's first answer responded to your question about why the decision is to remain, at this stage, with staff in Poland.

Ms Adams: I would also add, of course, that there was a difference in time. Several months ago the situation in Kyiv city was quite different from what it is now.

Senator VAN: The Prime Minister was there in July. There were attacks on Kyiv prior to that. There hadn't been until quite recently any attacks. Let me put it as a question. Are you aware of any embassy staff of any like-minded or any other country with an embassy there that have been injured or recently attacked?

Ms Adams: Not yet. Not to my knowledge.

Senator VAN: So your assessment is that it's not safe to go?

Ms Adams: My assessment was made under the relevant Australian laws. I don't have anything further to add.

Senator VAN: Given like-minded have hundreds of personnel in their embassies there largely to learn the lessons from what is the largest battle lab in the world, why are we not learning from the battlefield? I know from Defence's testimony yesterday that they have people listening in from other places. But having been on the ground, there's an awful lot that Australia can learn about how to fight a battle. And particularly from the Prime Minister's interview, which was more of a lovefest, I would suggest, than an interview, with Greg Sheridan last Friday—

Senator Wong: Lovefest?

Senator VAN: Would you characterise it any other way? We need to be learning about what any future battle looks like. Why are we missing out on this opportunity?

Ms Adams: Perhaps I could assure you that our embassy staff working from Warsaw are in contact with the same people that they would be were they in Kyiv. Defence have spoken for themselves on the subject. There's a lot of information and indeed intelligence that's shared in relevant networks. You don't have to be physically there.

Senator VAN: But I can assure you, having been there, there is great value in what you would learn from being on the ground. I learnt a lot more from being there than I could remotely.

Senator Wong: You make your own decisions, but the current official Australian government advice is, do not travel.

Senator VAN: But the Prime Minister went.

Senator Wong: With very substantial security arrangements.

Senator VAN: Allan Gyngell, who I'm sure you're aware of, worked in your department some time ago and was head of the ANAO, I believe—

Senator Wong: ONI.

Senator VAN: He's a very knowledgeable person.

Senator Wong: Not the Audit Office, the Office of National Assessments.

Senator VAN: Sorry?

Senator Wong: He wasn't head of the Audit Office, he was head of the Office of National Assessments.

Senator VAN: Sorry. I stand corrected. You are right, which qualifies him even more for an opinion on this. He has called for our embassy to go back.

Ms Adams: We're keeping it under review.

Senator VAN: Can you give the committee an estimation of how long you're going to keep it under review or how long before you take some action on this?

Senator Wong: If Ms Adams's advice to government changes, I'm sure we would act upon that promptly, and she's been courteous enough to you to explain the reasons. I think there has been bipartisanship on Ukraine. I hope so.

Senator VAN: There's certainly bipartisanship for the support.

Senator Wong: I just would remind you that I think the total assistance to date is over half a billion dollars. So, \$475 million in military assistance, including 90 Bushmasters, \$8.7 million to assist Ukraine's State Border Guard, \$65 million in humanitarian assistance, and \$32 million I think in the pre-election for coal. We have imposed targeted financial sanctions on Russia to inflict heavy costs on those responsible. We've listed 871 individuals and 62 entities for sanctions and travel bans. We've introduced a further range of trade sanctions and tariffs to impose further costs since the election. We're supporting Ukrainian nationals taking refuge in Australia through a \$19 million visa program, and we are engaging with and supporting Ukraine in the international system. I met with the foreign minister at the UN. You may or may not have been here this morning. In many interactions, I think all of my interactions bilaterally, on all of my visits at some point in the discussion I ensure I go to the point why all countries should care about this, which is that, if we stand by and allow unremarked and unpunished a larger country to impose upon the territorial integrity and sovereignty of another, then we are standing by while the UN system and the UN Charter, which has kept us safe in part since 1945, is abrogated. I think there is bipartisanship on this. You have a view because you went to a war zone that we should do something different. Ms Adams has explained the position in relation to the post. If that position changes, then we will act.

Senator VAN: You made that point quite well about remarks; what I'm asking about is action.

Senator Wong: I've just outlined a whole—

Senator VAN: Can I finish my question?

Senator Wong: Hang on. You just say these things and you expect a normal response. You can't say that when I've just gone through and listed actions.

Senator VAN: That's my point. These are the actions you've taken.

Senator Wong: If I may, you say it's just words. Diplomacy involves engagement. That does mean speaking. And why do we do that? It's not to have fun. It's because we're trying to generate more alignment. The sad fact is that not every country has shared Australia's clarity and strength of position on Ukraine. Of course, part of what we have to do is go out there and articulate why this matters to everyone. State power isn't just yelling here in Australia about what you think someone should do. It's actually also about engaging with people sometimes who don't always share entirely your view to try and convince them that a principle, an action in the UN, a trade sanction or a price cap is actually in their national interest, too. That's why words matter.

Senator VAN: I agree with you, and that's why I was at the Asia-Pacific Parliamentary Forum the week before last and working with like-minded on this exact issue. We had some great success. I just have one last question.

CHAIR: Be very quick; I need to hand over the call now.

Senator VAN: To the minister's point about actions versus words—

Senator Wong: No, it is your point.

Senator VAN: Yesterday, Defence couldn't answer my question about what aid promised by your government has actually been delivered. In fact, they agreed with me that not even all the aid that our government prior to the election promised had been delivered. Can you shed any more light on what actions have actually been done as opposed to, as you say, making announcements?

Ms Chan: We are delivering our \$65 million of humanitarian assistance through UN and NGO partners on the ground.

Senator VAN: Sorry? How much?

Ms Chan: Some \$65 million.

Senator Wong: That's a humanitarian funding component.

Ms Chan: That is in various areas—food, water, shelter. That is providing medical services and it's targeted at the most vulnerable, particularly women and children, as well as the elderly and disabled. It is very difficult. There's no doubt about that. But we are doing that very effectively through our UN and NGO partners.

Senator VAN: I think that's very close to the point.

CHAIR: Thank you very much. Senator Steele-John.

Senator STEELE-JOHN: Thanks very much. To date the Australian government has not placed any targeted sanctions on Myanmar's military officials or their affiliations. I just wanted to confirm that this is still the case?

Senator Wong: Give me a minute.

Ms Chan: There are a number of existing sanctions under our autonomous sanctions regime. That includes an arms embargo and sanctions against five individuals responsible for the atrocities in the current state dating back some years.

Senator STEELE-JOHN: Yes, they date back to the period before the military coup on 1 February 2021?

Ms Chan: That is correct.

Senator STEELE-JOHN: But since the military coup, Australia has not placed any additional targeted sanctions on Myanmar's military officials or their affiliations?

Ms Chan: That is correct.

Senator STEELE-JOHN: The US, the United Kingdom, Canada and the European Union have all imposed sanctions on Myanmar's military in the broad sense, senior leaders, relatives and also, critically, military linked companies. I'll put this to the minister. I'll put a question to you that you I think many times have put to your predecessor actually from the other side of the table. Can you or anyone at the table today explain to me why Australia is so reluctant to impose targeted sanctions on the Tatmadaw or officers thereof?

Senator Wong: I think you were out of the room when I went through a broader point about how it is in the world where many people do not share our views. We might press for the observation of human rights. Obviously the previous government at the time those sanctions were imposed made a decision not to do so, or subsequently. I think you will see in relation to Myanmar we have not only made many public statements; we have raised this issue particularly in the ASEAN-led forums. We often get focused on a specific. If we can come up for a point, I think all Australians and everyone in this parliament condemn the appalling human rights abuses committed by the Myanmar military regime. I again express our collective concern and the Australian government's concern about the deteriorating security and human rights situation in Myanmar. We publicly condemn the regime's brutal and unacceptable behaviour at every opportunity, including for example after the appalling execution of pro-democracy activists. I have done so at ASEAN, G20, East Asia Summit and other ministerial meetings. We have done so bilaterally at foreign minister, leader and official-level meetings whenever appropriate. We have also sought to continue to support the people of Myanmar through humanitarian assistance. I signed off on this. I think we've now announced it. We've committed to an additional \$135 million for 2022-23, which Ms Chan can probably speak to because she's more across it than I.

Ms Chan: That's right. It's to support humanitarian needs in Myanmar as well as across the border in Bangladesh among the Rohingya communities there. This adds to a total of \$480 million in humanitarian assistance that's already been provided to these communities since 2017.

Senator STEELE-JOHN: What I've heard from you, Minister, is strikingly similar to the statements made to this committee by your predecessor, acknowledging the human rights abuses that are taking—

Senator Wong: 'Condemning' I think would be a better word.

Senator STEELE-JOHN: Acknowledging and condemning the human rights abuses that are taking place. I note, however, that our partner nations, as is often stated in this place—the United States, Canada, the European Union—for instance, have placed sanctions upon the regime. Have you received advice on Australia placing targeted sanctions on Myanmar?

Senator Wong: I think you were not here when Senator Chandler asked me a similar question. I appreciate the senator is entitled to ask that question. In fact, I asked that question on that side of the table and I'll give you a version of the same response that Senator Payne gave, which is a foreign minister will not be speculating on the possibility of sanctions in this forum.

Senator STEELE-JOHN: Are they under review or consideration?

Senator Wong: I think I've used the phrase in relation to Myanmar 'active consideration'.

Senator STEELE-JOHN: With respect, on 7 April, on the same topic in front of this committee you stated, in response to the same answer from your predecessor:

I think you've given that answer, active consideration, constant review, for some time. We've had in excess of 12 months of military dictatorship, crackdown against peaceful protests, the detention of thousands of political prisoners and the death of many civilians.

Senator Wong: That was very well said, wasn't it?

Senator STEELE-JOHN: I'm wondering when the process of constant review might be over? Do you recall making that—

Senator Wong: I don't usually use the word 'constant'. I assume I was quoting. Yes, I do. I understand the political point you're making. You're entitled to make it. I can't add anything further to the answer I've already given you. I made this statement in Bangkok, Thailand, last week. I think there was a hope that the ASEAN-led response would provide a path to resolving the situation in Myanmar, which we feel very deeply. I want to acknowledge a lot of people in my party feel very deeply, because a lot of Labor people were deeply engaged in working with those in Myanmar who are seeking a transition to democracy. So, it's very deeply felt. I think there was a hope—certainly I hoped; and I didn't ask her, but I suspect Marise Payne did, too—that an ASEAN-led response would find a path back towards the transition towards democracy, and that the transition would not be so disrupted. I said publicly that I think that hope is fading.

Senator STEELE-JOHN: It hasn't worked, has it?

Senator Wong: No, and we all hoped it would. The international community and ASEAN will need to continue to try to find a way to deal with this. It took a lot of work over many years from many partners for the transition to occur in the first place, and that's very distressing for many of the community here and other activists. If you know the history of Myanmar, I'm not an expert but I know there is enough history of this sort of setback towards democracy for people to be deeply emotional, because they remember what happened in the past.

Senator STEELE-JOHN: They do, and they've spoken to me many times about that emotion. One of those emotions is deep frustration that the Australian government has not yet followed—

Senator Wong: I understand that. And it's a bit like Iran. I understand why diaspora communities in particular want this fixed. Ultimately, it is a hard, long process, not a media release or a policy decision. Someone has just sent me a press release. This was raised with me by the diaspora. I'm pleased that Minister Giles has been able to do this. I've seen in a press statement by him from earlier today that he has designated Myanmar nationals in Australia as a priority caseload in our onshore humanitarian program. That's certainly one of the things that has been put to me, and I appreciate that he's been able to do that.

Senator STEELE-JOHN: Finally, you once told this committee:

We, the Labor Party, have called for the implementation of targeted sanctions against the Tatmadaw and Tatmadaw linked affiliates.

You'd remember making that statement to the committee. If you were so committed in opposition why, in the face of a deteriorating situation, have you not urgently implemented sanctions whilst in government in line with the United States, Canada and the European Union?

Senator Wong: I'm trying, as foreign minister, to work through a very difficult set of circumstances in a way that is best for Australia's national interests.

Proceedings suspended from 12:30 to 13:32

CHAIR: Good afternoon, everyone. Welcome back. We'll continue with the Department of Foreign Affairs. Minister, I have a few questions with respect to Afghanistan. Can the appropriate officials come to the table. With respect to Afghanistan, specifically about the locally engaged employees program, there have obviously been many issues raised about the process for certifying LEEs, including concerns about the former government not acting to certify people in a timely manner. Of course, this has become a bit more complicated since the fall of Kabul and the subsequent evacuation last year. I don't wish to traverse all of the issues today, but I'd like to get an update on what steps the current government has taken regarding the LEE visa program since assuming office?

Mr Maclachlan: The department continues to receive applications for locally engaged employees and we continue to put recommendations to the minister. We also continue to receive LEE into Australia. Since the election, 26 DFAT LE and their families have arrived in Australia. The minister has considered 159 LE applications, four of whom have been certified, and 142 cases have been referred back to the department for further reassessment. The minister has asked DFAT to provide her with assurances that the applications for certification have been properly considered in line with the policy intent of the instrument. I think you'll know the instrument I'm referring to, IMMI 12/127.

CHAIR: Could you take me through that?

Mr Maclachlan: As you recall, the instrument was adopted in 2012. It sets out the grounds for which we assess applications for certification as locally engaged employee. The minister has asked us to ensure that our assessment of applications for locally engaged employees is done in a manner that's consistent with the original intent of the instrument. As a consequence of that, we are re-examining 142 applications for LE. In addition to that, senators will recall that in the previous parliament there was a Senate inquiry that made a recommendation for a review of the entire LE program, of which DFAT is but one part. Defence is also engaged, as is Home Affairs. That review will consider the scope of the instrument. It will examine how locally engaged employees certification decisions have been made. It will examine record keeping and it will also examine departmental resourcing and management of this issue.

CHAIR: Just for my benefit, which Senate committee was that?

Mr Maclachlan: I don't have the formal title here. It might be in the background. I'm sorry. It was during the previous government, prior to the election.

Senator Wong: I think Mr Walter—

CHAIR: I'm new to this particular committee, but Mr Walter might be able to answer?

Mr Walter: It was the Foreign Affairs, Defence and Trade References Committee.

CHAIR: In terms of people being able to put in an application, what's the process? Can you take me through that?

Mr Maclachlan: I'll ask Mr Walter to fill in the gaps, but essentially people can apply to the Department of Foreign Affairs and Trade to be considered for certification as locally engaged employees.

CHAIR: So, from Afghanistan?

Mr Maclachlan: From Afghanistan.

CHAIR: How do they do that? Via a computer or a website?

Mr Maclachlan: It's online.

CHAIR: How does one do that if they don't have access to a computer online?

Mr Walter: Most of the applications we've received have been via email. You can also get in touch with the department by other means, in writing or by phone, if you can do that. You can try to make contact with the High Commission in Islamabad. We will take applications in whatever form is required by the circumstances.

CHAIR: For some people it might be some effort to get to an appropriate place or a safe place to make an application.

Mr Maclachlan: That's possible, of course, but we do continue to get a large number of applications.

CHAIR: Are people able to go to any of our allies to make those applications, either through the United States or other countries that might have a presence over there?

Mr Maclachlan: I'm not aware of any processes that they might have.

CHAIR: The issue of the certification of security guards has been raised many times here, as I understand it, and also in the aforementioned Senate inquiry. The department's justification for excluding security guards from certification, as I understand it, was based on the relevant instrument. What is the status of the group of former Australian embassy security guards who have been seeking LEE certification?

Mr Walter: Yes, you're quite correct to say that the reason security guards are not necessarily being certified is the legislative instrument that was referred to earlier by Mr Maclachlan, which provides that people who were employed in a private security capacity are ineligible to be certified under the instrument. I think it's very important in this context to put certification in its broader context. The effect of certification is to prioritise your visa application within the Australian system. You still need to apply for a visa. You still need to go through the type of character and national security identity checks that any visa applicant goes through. However, if you were certified by this department or by the Department of Defence, you get priority in terms of consideration of your visa application. There are a small number, about a dozen, security personnel who due to the unique nature of their engagement with Australia or the Australian embassy were certified and have made it to Australia. Others were not certified but have gone through the visa process and made it to Australia. The numbers are best got from Home Affairs in that respect, because they manage that part of the process. Of course, you would be aware of questions about Defence security guards, which is a matter for Defence. The minister is deeply concerned about this. We look at these very carefully in terms of making sure that, for example, where security guards have provided particularly unique services—and the people who were certified provided particularly unique services in

their security capacity—we can see a way to certify them and we're also very careful where they've done dual roles and those types of things.

CHAIR: Is it the case that people could have been employed in a private capacity as a contractor or directly as an employee of the embassy? Is that the distinction you were trying to make earlier?

Mr Walter: The instrument itself says that you are ineligible for certification if you were employed in a private security capacity, which is the contractor-type example. That's the distinction.

CHAIR: I'm assuming most of the security guards would have been employed as contractors rather than direct employees of the embassy, correct?

Mr Walter: Yes, correct.

Senator Wong: Which actually is the nub of one of the problems. As I said before, when Kabul fell, the principle that Australia should demonstrate its willingness to help those who helped us is not only an ethical imperative; it's also a national security imperative. Obviously, if we don't help people who helped us then people are less likely to help us in other circumstances. I was critical of the former government's approach on this. I think this goes to really two areas. The first is the application of the instrument. It was clear from the evidence in estimates that different portfolios were taking slightly different views about the instrument. The second is whether or not the operation of the LEE program is fit for purpose. I'm pleased that the department is acting in respect of both of those categories of concerns. Mr Maclachlan has explained to you the reconsideration or what's the phrase you used?

Mr Maclachlan: Reassessment.

Senator Wong: Reassessment. I'm pleased to announce that we are also acting on the recommendation from this committee or the references of this committee, which was a review of the operation of the Afghan LEE program to ensure that programs of this nature are improved. I have the agreement of Dr Vivienne Thom, who would be known to this committee, who will lead an independent review into the Afghan locally engaged employee program. I hope that as a consequence of that we can make changes necessary to deal with the concerns which were raised both publicly by family members and LEEs themselves, but also that were identified in the Senate inquiry.

CHAIR: That's good news. Would you be able to provide advice as to when the review would be due to report back to government?

Mr Walter: We are hoping that the review will be wrapped up early in the New Year. We are keen to move very quickly. There are obviously still people under consideration. The sooner we have the findings of the review the sooner we can apply them.

CHAIR: So around the first quarter of next year?

Mr Walter: That's correct.

Senator Wong: This is an example I think of the parliament and the Senate committee process working well. Our approach to this has been informed in substantial part by the findings and consideration of that committee and that report.

CHAIR: Mr Walter, just so I understand, were any Australian embassy security guards certified during the evacuation?

Mr Walter: There have been Australian security guards certified, yes.

CHAIR: How many?

Mr Walter: I think it was around a dozen. I'll take it on notice, though, to make sure I've got that number absolutely right.

CHAIR: What assistance has the government provided to these people?

Mr Walter: Again, just to talk through the process a little bit, certification is one part of the process. It gives you priority in terms of visa considerations. If you were granted a visa by Home Affairs, which has happened for some of these security personnel, then Home Affairs provides assistance through the International Organization for Migration to assist people to come to Australia. And questions on that are better directed to them in terms of these individuals.

CHAIR: I guess they would be treated under the humanitarian visa application processes that Immigration or Home Affairs administers?

Mr Walter: Yes, we understand that's the main source of visas for these individuals.

CHAIR: Acknowledging a bit of a backlog there as well in that department.

Mr Walter: So, again, it's a question for Home Affairs. Once again, certification does give you priority consideration. It doesn't guarantee you a visa. You still need to go through the same identity, national security and character checks as anyone else, but it does mean you go to the front of the queue, for want of a better term.

CHAIR: How many LEE certifications have been recommended for the minister's approval since the government came into office?

Mr Walter: As mentioned earlier by Mr Maclachlan, we put a package of recommendations to the Foreign Minister. She certified four of those. There was a small number who were not eligible for certification because of the operation of the instrument, and there were 142 who, as has already been mentioned, the minister asked us to look at again. If it helps, that means that at the moment we are assessing 261 applications for certification.

CHAIR: So, these all go to the minister. I don't know if you're able to elaborate, but did the minister agree with the department's recommendations to reject these certifications?

Mr Maclachlan: As I indicated, 142 of those—

CHAIR: They're the ones that were rejected?

Senator Wong: We try not to go into all the detail of advice to government. I have sent back for reconsideration or reassessment on those specific ones. I've released with Mr Marles the review of the Afghan LEE program. That will go to how decisions were made, the applications appeal process, record-keeping, departmental resourcing and, importantly, whether the legislative instrument that underpins the program remains fit for purpose. As to the legalism around this, which I think Senator Payne argued, and which is in the words of the instrument around who's the legal employer—as I think we discussed in here, I don't think the Taliban stop to check whether or not you're a subbie. As to the intent of the program, I think we need to consider whether the instrument remains fit for purpose. I know the department is working through the reassessment, and we'll work constructively with Dr Thom.

CHAIR: I appreciate that. In terms of the review, will it examine previously rejected applications for certification?

Mr Walter: In terms of the review, what Dr Thom will be looking at is whether we had appropriate processes in place, whether we were doing our record-keeping properly, whether the application process was clear and whether the work was undertaken expeditiously, rather than what you might call an internal review or some kind of secondary review of the individual applications. It's more looking at the system and looking at the instrument to see where we can make improvements for the future. What the minister has also asked us to do, though, is to provide her with assurance that, in relation to the previous applications that were refused, we have applied the instrument as originally intended. Of course, in some instances, we might suggest to her that a review of that decision is appropriate.

CHAIR: If we go back a step, to the point you just raised, what was or what is the original policy intent of the program? I think it's important for us to go back to the reasons and the original policy intent for why this program was established.

Mr Walter: Certainly. If we go back to 2012, there were two steps to the instrument. There was an instrument in place in relation to Iraq, and in 2012 it was amended to also apply to Afghanistan. If we look at what was said by the government at the time, the original intent was as follows: Australia will offer resettlement to Australia to eligible locally engaged Afghan employees at risk of harm due to their employment and support of Australia's mission in Afghanistan. Also, this reflects Australia's view of its moral obligation to current and former employees who have provided valuable support to Australia's efforts in Afghanistan.

CHAIR: Is it the department's view that the operation of the program was inconsistent with the original intent?

Mr Walter: We have a review. We've got an independent reviewer who's just been appointed. I'd rather not pre-empt any of her findings on exactly that point.

Senator Wong: I think part of the desire also is both the fit-for-purpose point, which is the instrument point but also the inconsistency point as between portfolios, which was identified I think by the Senate committee.

CHAIR: Secretary, did the previous minister provide you or the department with any instructions not to comply with the original intent of the instrument?

Mr Maclachlan: Not that I'm aware of.

Ms Adams: Not to my knowledge.

CHAIR: Lastly, what steps have you taken to rectify the situation, and ensure that the operation of the program is compliant with the original intent. Acknowledging that there is a review at the moment, are there other measures in train or work the department and its officials may be working on to improve the effectiveness of the program?

Mr Maclachlan: I think Mr Walter outlined exactly what we're doing.

CHAIR: I wasn't sure if the minister was referring to you for an answer.

Senator Wong: I think we've covered it. In summary, what have we done? One, I've sought additional advice on the proposed rejections, because of the concerns that have been traversed, the management of the program, the consistency across government and the original intent of the instrument. I want the department to provide assurances that the applications for certification have been properly considered in line with our policy intent. Obviously, events in the passage of time mean our options on the ground are a lot more limited than they would have been if this had been done previously. I've expressed my support to the Minister for Immigration for continuing to prioritise Afghan LEEs who supported Australia's mission in Afghanistan under the humanitarian visa program. In relation to security guards, I think we've gone to that. The advice or the plain reading of the instrument makes it more difficult from a narrow legal perspective to certify those personnel, but obviously these people have assisted Australian operations and were at risk as a result of their assistance. I believe their humanitarian visa applications should be processed as a matter of priority. I have commissioned Dr Vivienne Thom for a review to ensure that the instrument remains fit for purpose and is applied consistently to help those Afghans who've helped Australians. If I've missed something, officials can add to that, but I would make this point: we should do all of this. We should make it better. It would have been better if it had been done before. The big challenge now is, as much as we can improve it, the situation on the ground means that the primary constraint is not at the Australian government end, it's at the end of people who are actually able to come to Australia. Was there something that I missed—

CHAIR: I appreciate that, Minister. Senator Birmingham.

Senator BIRMINGHAM: Just while we're on that topic, is the department aware whether there are Australian visa holders, Afghani nationals, in Pakistan unable to travel because of a lack of documentation or valid passports?

Mr Walter: Perhaps I can lead you through a couple of numbers which might be of assistance to the committee. At the moment, there are 13 DFAT certified—just for this department—LEEs seeking to come to Australia with their families. So, they're not here. Seven have been granted an Australian visa and have yet to travel from the following countries. There are four in Pakistan, two in Iran and one in Cambodia. Six continue to undergo visa processing; they're with the Department of Home Affairs. Three of those are in Afghanistan, two in Pakistan and one in Turkey. There have been a small number of people we certified who have taken up opportunities to relocate to other countries. Four went to the United States, two to Canada and one to Sweden, with their families. I don't want to speculate too much about individuals but, yes, there have been some issues with documentation and so forth.

Senator BIRMINGHAM: Some individuals who have a valid visa potentially in the countries you're talking about, but who are unable to travel because of a lack of passport or identity documents—

Mr Walter: That's a question for Home Affairs, because of a valid visa and travel.

Senator Wong: We can see what information we can get. I would make the point there were people with valid visas left in Kabul, tragically.

Senator BIRMINGHAM: I'm not seeking to make a political point here.

Senator Wong: No, neither was I. Sorry if I—

Senator BIRMINGHAM: I'm only following on because the line of questioning was opened up.

Senator Wong: No, and I was making the point that I made before, that our primary difficulty now, the primary constraint, is the circumstances on the ground and the difficulty in getting people here. We should do the right thing. We should fix this up. We should reassess. Maybe if the situation improves, passage might be possible. The situation has deteriorated, including via the route you described.

Senator BIRMINGHAM: Yes, it's those third countries that I was being particular in asking about. Has the department made representations to any of those third-country governments about means by which travel could be facilitated for such individuals to Australia?

Mr Maclachlan: Via the route you described, the Pakistani government has enabled several waves of holders of third-nation visas to move out of Pakistan, without necessarily having the relevant travel documentation from

Pakistan. In fact, since September 2021, Australia's been able to move 2½ thousand Afghans through Pakistan. Most recently, in the so-called third wave, we were able to move a bit over 400 people, including nine DFAT, LEE and family members—a group of 54. That third wave has now come to an end. It's affected locally engaged employees of Australia and, as my colleague just outlined, locally engaged employees of our like-minded partners in Afghanistan. It's an issue that we continue to engage on and discuss with the local authorities, but it's an ongoing discussion, if I put it in those terms.

Senator BIRMINGHAM: What new or additional sanctions have been applied since the change of government? That's a general question, not country specific.

Mr Walter: I don't have the numbers in front of me, but there were additional measures applied in relation to Russia. I can get you the numbers on those. The other thing we are just working through at the moment is the UN Security Council—you'd be aware that there are two sets of sanctions that we apply. We apply UN Security Council authorised sanctions as well as our own autonomous sanctions. The UN Security Council has recently taken steps in relation to Haiti, and we're working through what that means for our sanctions regime as we speak.

Senator BIRMINGHAM: Thank you. And I think it's 28 additional Russian individuals?

Mr Walter: That sounds about right, but I'll confirm that number.

Senator BIRMINGHAM: Thank you. That would be 28 on top of what would now be many hundreds of Russian individuals who have been sanctioned?

Mr Walter: That's right.

Senator Wong: We might have to just take on notice some of the detail of that, Senator Birmingham.

Senator BIRMINGHAM: Okay. There are no others that have been applied, though, aside from the Russian ones?

Senator Wong: To date. We had a long discussion about this before. I don't know if you were here.

Senator BIRMINGHAM: Yes, Senator Steele-John was asking—

Senator Wong: And Senator Chandler.

Senator BIRMINGHAM: Each in country-specific classes. I'm seeking to go to the process and the overall questions around application of sanctions. Aside from the Russian ones that have been applied, have any other decision briefs regarding sanctions been provided to the minister?

Mr Walter: Yes, Senator. One of the areas of work we do regularly is we look at applications for permits under our various sanctions frameworks, and those matters are regularly put to typically the assistant minister for consideration.

Senator BIRMINGHAM: Permits as in exemption type activities?

Mr Walter: Yes—authorising activities that would otherwise potentially breach Australian sanctions. They'd be the only ones for decision.

Senator BIRMINGHAM: Have any other decision briefs in relation to the application of sanctions been provided to the minister?

Mr Walter: Again, because they come from different areas, I think I'd have to take that on notice to gather up what we might have done across the department.

Senator BIRMINGHAM: So each geographic area of the department prepares its own sanction applications?

Mr Walter: Just for the committee's interest, I look after the division that includes the Australian Sanctions Office, which, without wishing to in any way diminish our role, provides the mechanics. We make the sanctions happen. But the—

Senator Wong: Policy decisions.

Mr Walter: policy decisions sit with geographic desk or, in the case of, say, human rights actions, with our multilateral policy division. Sorry, I would need to go back and—

Senator Wong: I couldn't understand this—

Mr Walter: Obviously, we work very closely with those divisions.

Senator Wong: I freely admit it. I had to get a bit of a diagram. Different legal bases—

Senator BIRMINGHAM: Senator Wong or Secretary, to your knowledge, have any other decision briefs come to you beyond the Russian sanctions that have been applied?

Senator Wong: I don't think I will get into the habit of doing what Senator Payne would never let me do, which is to give you a whole bunch of information about what briefs are in front of me. But I think what I would say is what I said to Senator Chandler and to Senator Steele-John, which is that I'm not going to, in this forum, hypothesise or talk through publicly those considerations that you're talking about.

Senator BIRMINGHAM: That is why I very deliberately—

Senator Wong: I know; you're being very careful.

Senator BIRMINGHAM: asked you in a non-country-specific context.

Senator Wong: But what I would say is we'll get some more information. Mr Walter can explain it. But we have, obviously, consideration of human rights issues more broadly in each geographic area and how Australia's interests are best given effect, including our interest in asserting the importance of human rights, in addition to—we have the UN sanctions process, which is a different legal basis, as I understand. Is that right, Mr Walter?

Senator BIRMINGHAM: Minister, I'm posing the question because it's not unreasonable to think that the department, being responsive, and given statements that Senator Chandler and Senator Steele-John have highlighted—and I could go through my own list of quotes about your criticisms of slow action by the former government in relation to application of sanctions—it's not unreasonable to expect that the department may have provided options for you and decisions that you could take. I'm trying to ascertain whether they have potentially been sitting in your office or on your desk with you declining to take those decisions, Minister.

Senator Wong: That's not really how I operate, Senator.

Ms Adams: Senator, I can say that the department, of course, works on the sanctions issues across the various geographic areas. Briefing is a normal part of what we do. I don't think I can add anything that isn't speculating about future actions, which I won't do. The department works on the issues. The minister has already said, in particular, in answer to particular country-specific questions, that the issues are under review. I can't add anything further.

Senator BIRMINGHAM: Is any work underway to expand or vary any aspects of the sanctions regimes?

Ms Adams: I wouldn't put it in those terms.

Senator BIRMINGHAM: You could put it in the terms you choose, Secretary.

Senator Wong: I don't understand what you mean. Do you mean legislatively?

Senator BIRMINGHAM: Minister, you were critical at the time of the passage of the Magnitsky-style sanctions about the scope of themes.

Senator Wong: So this is a legislative question?

Senator BIRMINGHAM: Yes. Is any work underway in terms of extension of the regimes—changes to the sanctions regimes or laws?

Mr Walter: Senator, it's a little obscure, but it's something the committee might be interested. You'd be aware that, under the Legislation Act, regulations sunset at the end of 10 years. At the end of that 10-year period, the parliament has to decide whether to renew regulations or amend them or let them lapse. The autonomous sanctions regulations are heading towards sunset, in theory, next year. However, the former government provided an extension of a year. As part of that, we need to look at those regulations again to determine whether they should be retained in their current form, amended or so forth. We'll have a bit more to say on that in the coming months, we expect.

Senator BIRMINGHAM: So you're looking at the regs in the ordinary course of work, but no policy decision has been taken or request made for the department to draft amendments to, or have drafted amendments to, the legislation regime?

Mr Walter: I think that's fair. Can I just add that the regulations are at the core here of the autonomous sanctions regime. The act is more a framework and the detail is in the regulation. So the review is of reasonable significance.

Senator BIRMINGHAM: Thank you. Is the department engaging in any work in relation to changes to the Modern Slavery Act?

Senator Wong: I was hoping I would talk less and other people would talk more. To be honest with you, this is something I pressed quite strongly in opposition, Senator. It arose from engagement with NGOs who have documented the extent of modern slavery. You may recall, I think—not in the previous parliament but possibly the one before, or maybe I'm wrong—that the Modern Slavery Act was first passed and then opposition was critical of the coalition government's, frankly, softer legislation, a lack of compliance and so forth. I think Ms

O'Neil was then the shadow minister. In the course of that discussion, I engaged with a number of NGOs, as I said, about modern slavery. In the context of being in this portfolio in opposition, it was pretty clear to me that we had a series of geographically based—there are allegations or assertions and evidence of forced labour in a number of parts of the world. So it seemed to me that one of the ways we should deal with that was to beef up the Modern Slavery Act. Our position as a country should be that, wherever forced labour occurs, it's unacceptable and we should change our domestic legislation to reflect that. Ms Mudie and Ms Manton can say a lot more than I can say. Actually, it's I think in the Attorney-General's portfolio, and that's where the review is. But the motivation for that announcement—I think I actually announced it in the election campaign with him—was in part because that evidence of forced labour is not confined, regrettably, around the world, to one country only. But Ms Manton will be able to assist more.

Ms Manton: Thank you. In answer to your question about the department's engagement with the Attorney-General's Department and the independent reviewer of the Modern Slavery Act, Professor McMillan, the Department of Foreign Affairs and Trade is actively engaged. I've met Professor McMillan. My team meets regularly with the Attorney-General's Department. I'm aware that the Attorney-General has issued an issues paper about the review of the Modern Slavery Act, and we're in discussion with his department about the issues that are contained in that issues paper. We look forward to ongoing consultation and to recommendations from that review, which I believe we'll see in the first quarter of next year.

Senator Wong: It also extends to human trafficking, as you know—the act.

Senator BIRMINGHAM: Yes.

Senator Wong: Is that not right?

Ms Manton: That's right—human trafficking is part of the modern slavery suite of issues.

Senator BIRMINGHAM: Thanks for clarifying that. So there is the review process underway in relation to the Modern Slavery Act and human trafficking. There is a review in relation to the regs as they apply to the autonomous sanctions regime but no other legal changes underway or afoot in relation to the sanctions regimes per se. Is that an accurate summary?

Senator Wong: I think that would be right. If there are deficiencies in your legislation you want us to look at, I'm happy to do that.

Senator BIRMINGHAM: Senator Wong, as I say, you were the critic at the time of aspects of the extension of Magnitsky.

Senator Wong: I didn't know you paid so much attention to me, Senator Birmingham, when we were in opposition.

Senator BIRMINGHAM: As you did as shadow minister, Senator.

Senator Wong: I don't know if I paid that much attention.

Senator BIRMINGHAM: It pays to have a look at what the minister said.

Senator Wong: Sometimes.

Senator BIRMINGHAM: Without being country specific, when can Australians expect to see you take some action or use of a Magnitsky-type sanctions regime?

Senator Wong: I think that's the same question that we've responded to in country-specific terms. I want to go back to the toolkit response. There is a tendency—and I might have probably done the same thing—to look straight to sanctions. Sanctions are an important part but not the only part of how we should be working in the world to shape it for the better, bearing in mind the unfortunate reality that too many countries—human rights are not universally respected, there is human trafficking and modern slavery in the world, there is the oppression of women and people's economic rights are not observed. So we need to think through what is the full suite of measures by which Australia engages in the world, including in multilateral fora and joining statements such as the one on Iran that I've spoke to Senator Chandler about in relation to their membership of the committee. These are things we seek to do. Sanctions are a part. In part, one of the reasons why I was very supportive of modern slavery ones is because it is a way of providing normative and economic standards to lessen the likelihood of human trafficking and forced labour. That might be the sort of effect you'd want through sanctions, but it's actually us using our domestic market and our domestic standards to try and give effect to those principles.

Senator BIRMINGHAM: Thank you.

Senator PATERSON: Has the department provided any advice or has the minister sought any advice on using the cyber component of the Magnitsky sanctions?

Ms Adams: I think I'll take that on notice.

Senator Wong: I saw your press release on this, or your comments. It might be best if we could take that on notice.

Senator PATERSON: Okay, thank you.

Senator Wong: I think this is your portfolio, Senator Paterson, so you're probably more across detail than I am. Obviously, there's a challenge here between who might claim responsibility and who might be responsible. There are a number of practical considerations that just occur to me. But we'll take that on notice and get back to you.

Senator PATERSON: Thank you.

Senator STEELE-JOHN: During question time in the Senate on 4 August, in response to my colleague Senator Shoebridge, Senator Farrell said that the government was still of the view that the Assange proceedings, referring to Julian Assange in this context, have gone on for 'too long and should now be brought to a close'. Minister, do you agree with this statement?

Senator Wong: It's a consistent statement from all ministers in the government.

Senator STEELE-JOHN: On 23 February 2021, it was reported that then opposition leader, Anthony Albanese, had, in response to a question in caucus in relation to the Assange proceedings, responded that enough was enough: 'I don't have sympathy for many of his'—that is, Mr Assange's—'actions, but essentially I can't see what is served by keeping him indefinitely incarcerated'. Now, putting aside what objections the Prime Minister now may have to journalism and the journalistic activities of Mr Assange, is it still the Prime Minister's view that enough is enough and nothing is being served?

Senator Wong: What was the journalism point?

Senator BIRMINGHAM: Senator Steele-John is implying that Mr Assange is a journalist.

Senator Wong: No, but you're saying 'putting aside what the Prime Minister's views are on journalism'.

Senator STEELE-JOHN: No, I don't seek to make any funny points here. The Prime Minister, just to quote him exactly, said that he does not 'have sympathy for many of Mr Assange's actions. Putting aside what views the Prime Minister may or may not have about Mr Assange's journalism—and he is a journalist who is being pursued in relation to the revealing of the most atrocious war crimes—is it still the position of the Prime Minister that, in relation to Mr Assange's incarceration, enough is enough?

Senator Wong: The Prime Minister's words speak for themselves, but I'll ask Mr Gerard to assist in relation to this matter.

Mr Gerard: Senator, I think the government has been clear in our view that legal proceedings with Mr Assange have been going on for a long time. As the Australian government, we are watching those legal proceedings very closely. We are not a party to those proceedings, Senator, as you understand. We do engage with the United States and the United Kingdom governments on this matter and we do convey our expectations that Mr Assange is entitled to due process, humane and fair treatment, access to the medical treatment that he needs and access to his legal team.

Senator STEELE-JOHN: Minister, have you received any meeting requests from John Shipton or the Assange legal team since being elected to government?

Senator Wong: I'll have to take that on notice. I know that there's been—let me take on notice what requests and what the engagement with that office or other level there has been.

Senator STEELE-JOHN: Okay.

Senator Wong: Obviously, we receive representations from families of Australians who are detained overseas regularly.

Senator STEELE-JOHN: But, just to clarify, you haven't met with Mr Shipton or the Assange legal team since being elected?

Senator Wong: I've just asked you to let me take that on notice in terms of the engagement with the office.

Senator STEELE-JOHN: That one was in relation to letters. The next question was: have you met with them?

Senator Wong: I've taken the question on notice, because I want to make sure I answer correctly.

Senator STEELE-JOHN: Okay. When was the last time you're able to confirm to us that you did meet with Assange's legal team?

Senator Wong: Hang on—

Senator STEELE-JOHN: Because they have met with you previously. I'm just—

Senator Wong: I can't recall the detail. Are you're talking in opposition? I can't recall that. I'll take the question on notice.

Senator STEELE-JOHN: Okay. Would you be able to take on notice specifically whether you have met with or a member of your team has met with Mr Assange's father, Mr John Shipton?

Senator Wong: I've just taken that on notice.

Senator STEELE-JOHN: On 19 October, Mr Assange's lawyer, Jennifer Robinson, told the National Press Club that 'I would be here all day describing how due process has not been respected', referring to Mr Assange's case. In your joint statement with Attorney-General Dreyfus, dated 17 June 2022, you state that Mr Assange is entitled to due process. Is it the government's position that he has been and is being given due process?

Ms Adams: Senator, I don't think we're going to make a pronouncement on the judicial process of the US or UK. As Mr Gerard said, we're not a party to the legal case and our views in terms of our expectations have been clearly conveyed on multiple occasions.

Senator STEELE-JOHN: The Prime Minister is attending the G20 summit in Bali next week. Is that correct?

Ms Adams: Yes, Senator.

Senator STEELE-JOHN: Do you expect that he will engage with the President at the summit on matters of mutual concern?

Ms Adams: Senator, I'm not about to speculate on what issues the Prime Minister may choose to have in any meetings he may have.

Senator STEELE-JOHN: Has the department provided the Prime Minister with an update on the Assange case prior to his travelling to the G20?

Ms Adams: The Department of the Prime Minister and Cabinet is responsible for briefing the Prime Minister, but I'm sure he's well aware of the circumstances.

Senator STEELE-JOHN: Has he signalled an intention to raise the Assange case with President Biden?

Ms Adams: I'm not in a position to answer that question, Senator.

Senator STEELE-JOHN: Minister, has your office engaged with the Prime Minister's office directly to provide him with any additional information or advice in relation to the Assange case?

Senator Wong: Again, this is a matter that should probably be asked in Prime Minister and Cabinet. I think the Prime Minister and I are well aware of Mr Assange's case. There's obviously been a lot of discussion publicly. We have made clear the government's view that Mr Assange's case has been dragged on too long and should be brought to a close. I would again reiterate that, whatever people's views are, there are legal processes underway. We are not a party to those proceedings.

Senator STEELE-JOHN: You see, Minister, just for your knowledge, I met with Mr Shipton earlier this week. I've met with him on multiple occasions. It's my view and the view of his legal team that the processes which he is currently—those proceedings which you have referenced are killing him. They're killing an Australian citizen—an Australian citizen currently imprisoned because of his role in revealing the perpetration of war crimes by the United States. I use this opportunity to repeat to you, as I'm sure other people have, the desperate need for Mr Albanese, the Prime Minister, to move from statements to actually picking up the phone because of dire urgency of this situation.

Senator Wong: I'm not going to detail private conversations between government and government representatives. This matter has been raised with relevant governments. The Australian government has publicly said that our expectations are that Mr Assange is entitled to due process, humane and fair treatment, access to proper medical care and access to his legal team. But these are ultimately not legal proceedings to which we are a party. These are legal matters involving other jurisdictions. I understand also—I will just ask Mr Gerard to add to it.

Mr Gerard: Senator, as you know, Mr Assange has himself withdrawn his consent for us to offer him consular assistance or inquire about his welfare with authorities in the UK. We write to Mr Assange directly. We've written so far 42 times offering that consular assistance. Absent that permission from him to offer consular assistance, what the department does, Senator, is assure ourselves, by asking UK authorities for an assurance from them, that he has access to the medical treatment that he needs.

Senator STEELE-JOHN: Yes, I'm aware of that, Mr Gerard. His mental health is a significant concern. I've got an additional line of questioning that will require me to save and circulate a document. At this point I might hand back the call so that the document can be circulated. Thank you.

Senator FAWCETT: I'm aware that Senator Steele-John did ask questions on Myanmar before, so I'll try not to go over the same ground. If I have missed something he asked and I'm going over the ground, please let me know. But, firstly, can I acknowledge and welcome the announcements today in terms of aid but also the immigration priority for people from Myanmar. I think it's a continuation of support from both parties of government here for Myanmar and I welcome that. Just in terms of the aid, in the meetings that I've had with the National Unity Government representative here, and also reading some of the reports from various groups working in Myanmar, they have questioned the efficacy of some of the aid that goes through the larger multilateral bodies that, by dint of their size and method of operating, end up engaging or being obvious to the Tatmadaw. I was wondering if the department has a view on the efficacy of aid, in terms of money spent—as to how much actually gets to people on the ground as opposed to some of the smaller NGOs that literally cart stuff over the border on their back and take it directly to communities in need.

Ms Adams: Thanks, Senator. It is a very challenging environment to operate in. We do find sometimes the international agencies are best placed. But, to answer your questions further, I'll defer to Ms Mudie.

Ms Mudie: Thank you very much, Senator. Australia obviously pays a lot of attention to the situation on the ground in Myanmar. We are very concerned and disturbed at the impact that the last 20-odd months have had on the humanitarian situation. The numbers of those affected, as you would be aware, have increased astronomically from around one million before the coup to around 14.4 million now.

So, against this background, we will continue to deliver both development assistance and humanitarian assistance to support the people of Myanmar. We do this in a very carefully calibrated way to ensure that our funds reach those most in need and to avoid any of the funding reaching the regime itself. We work through a range of trusted partners to deliver assistance that supports the key needs of the people on the ground. We're looking at things like health care, COVID-19 support, sanitation, education, food, gender equality, protection services and livelihood support. Despite the challenges, we are confident that our assistance does continue to reach communities most in need around the country, including in conflict-affected areas.

We do, as I said, very carefully calibrate delivery of our assistance so that we're working through a range of trusted humanitarian partners, including the UN, NGOs and the Red Cross movement. Obviously, our partners face severe access constraints, including checkpoints, road blockages and the issue of travel permits and restrictions. But, despite the challenges, we are aware that partners are able to deliver assistance, often working with local organisations in hard-to-reach areas. As part of our messaging to the regime, we continue to urge that there is unimpeded and sustained humanitarian access to help the people of Myanmar.

Senator FAWCETT: Thank you. Do you have any data to verify or challenge the concerns that have been raised by a number of groups that, in fact, when there are checkpoints and there are interactions with the regime, amounts of aid either don't get through, are destroyed or are diverted?

Ms Mudie: I don't have any data here with me, but I'm certainly happy to take that on notice. But I can again give you some indications of where we are able to deliver assistance, and we're confident that our partners are doing that. For example, in procuring essential medicines and supplies, delivering mental health services and supporting ICU units to support COVID response, we are working through local non-government health providers in some of the border areas and conflict-affected areas. I believe we're confident that assistance is getting through. We're working through UN agencies to improve nutrition status and food security. I'll check whether we have data on those sorts of deliveries. We're also providing additional cash transfers and forms of social protection to internally displaced people in conflict-affected areas. We're providing frontline services to improve women's health, including in obstetrics, gender-based violence support and counselling. I do actually have some figures on that area of our assistance. In 2021, 2,970 gender-based violence survivors were provided with social and referral services, cash support, legal aid and other forms of support. That data comes from the UNFPA. In 2021, again, 12,825 households, women and girls received basic food and non-food items, such as dignity kits and first aid kits. That's, again, working through UNFPA. In terms of life-saving sexual and reproductive health services to women and girls, our assistance has enabled approximately 30,000 gender-based violence survivors to access services across Myanmar. But, Senator, I'll get you a more complete list and we'll certainly look for the data that would support what I've said.

Senator FAWCETT: Sure. A related question: the Special Advisory Council for Myanmar has issued a report recently where they make the—I'll use the word 'claim'—they observe that the Tatmadaw only effectively control around 17 per cent of the country and that the NUG and the ethnic armed groups either have influence, presence

or control over 52 per cent of the country. Would you have any insight as to whether those figures are accurate? Are they broadly accepted?

Ms Mudie: Senator, I will have to take that one on notice. I'm not familiar with those figures.

Senator FAWCETT: It just goes very strong to the point of where we prioritise our provision of aid if the people who are actually having access to most of the community are not the regime-related figures. I'm conscious that we are not a full member of ASEAN, which limits our ability to influence. But one of the members who is, which is Malaysia, it was reported in the AFR, has raised the prospect of ASEAN banning Myanmar from attending ASEAN meetings. I am just wondering if we have lent support to that publicly and whether, in our discussions with Indonesia, who I believe will be providing leadership to ASEAN, we've indicated our support for those stronger measures.

Ms Mudie: We strongly support ASEAN's efforts around Myanmar as a key element of our response to the situation in Myanmar. Obviously, questions about participation in events or Myanmar's status are a question for ASEAN itself. But what we do on a consistent and regular basis is voice our strong support for ASEAN's efforts, the full implementation of the Five-Point Consensus, and any other steps that they are minded to take. We'll be doing this again in the forthcoming suite of ASEAN meetings. We maintain regular interaction with ASEAN members about the situation in Myanmar and certainly look to lend our weight to what they are endeavouring to do.

Senator FAWCETT: Sure. There is a slight difference between ASEAN as a block and their agreed position and what I would call forward leaning positions of some full members of ASEAN. So I guess my question was a little more nuanced. Are we proactively, to the extent we can, working with members who are leaning forward more to give strength to their arm?

Ms Chan: I think it's quite clear that the situation Myanmar is dire and deteriorating—the security, humanitarian and human rights situation. I think that ASEAN has put a huge priority on trying to resolve the situation in Myanmar. We see their efforts. We are very supportive of their efforts. We see that as a key element in our response and in the international community's response to the situation there. It's quite clear that ASEAN is quite frustrated with the lack of clear progress in implementing the Five-Point Consensus, which Myanmar itself signed up to. It is an ongoing discussion within Myanmar—it's an ongoing discussion within ASEAN. I can't speak for ASEAN members, but we take every opportunity in our engagements with ASEAN as an organisation and in our bilateral engagements with ASEAN members to continue to urge their efforts towards a resolution. But it does seem very intractable, and we are very supportive of their efforts as a key part of our response.

Senator FAWCETT: The NUG recently, in a meeting I had with them, were talking about transitions beyond the conflict. They highlighted their concerns that the regime has been proposing an election to be held in August of 2023, but that would be under the 2008 constitution, which would essentially entrench the Tatmadaw in power. The NUG was highlighting that the charter which is being drawn up between the NUG and the ethnic groups should be the only basis that the international community recognises for an election to transition beyond the conflict. Has DFAT or the government made any statement or announcement to say that we would not support an August 2023 election under the 2008 constitution?

Ms Mudie: Obviously, as part of our ongoing monitoring of the situation in Myanmar, we are watching very closely developments and any plans or statements about elections in 2023. Our priority is to see Myanmar return to the path of democracy, to see an end to violence and to see an end the targeting of opposing voices to the military regime, which obviously does not show a commitment to political pluralism and democracy. So, as part of our ongoing engagement and efforts around Myanmar, we support dialogue between all parties to find a peaceful resolution and a return to the path of democracy. We strongly support, as Ms Chan has said, ASEAN and international efforts to this end. We will be watching the situation very carefully in the coming time.

Senator FAWCETT: I'll take that as 'We haven't made a direct comment on the NUG's preferred path to respect the charter which has been drawn up'.

Ms Mudie: Senator, not that I'm aware, but we certainly make it very clear that we want to see a return to dialogue and a return to the path towards democracy. That is one of our core aims.

Senator FAWCETT: Sure. I recognise that we recognise countries, not governments. It's been a long-held position. But has the department or minister—have you met with the NUG representative here in Canberra?

Ms Mudie: The minister has made it clear that she intends to engage with the NUG. I'm not aware that has yet happened.

Senator Wong: There was engagement prior to the election. I think departmental officials, with my knowledge—I'm not sure if you actually have to ask permission—have engaged with the NUG.

Senator FAWCETT: From a Joint Standing Committee on Foreign Affairs, Defence and Trade perspective, on a bipartisan basis, which we have had for some time now, I would certainly encourage the department to do likewise.

Senator BIRMINGHAM: Do you have any engagement?

Senator Wong: With the NEG? Not at this stage.

Senator BIRMINGHAM: Aside from engagement, is the department providing any practical assistance or support to NUG representatives in terms of their operation in Australia?

Ms Chan: No, we have not.

Senator BIRMINGHAM: Thank you.

Senator CHANDLER: I'm going to go back to Iran and Mr Innes-Brown in particular. I wanted to follow up on one of his responses earlier. We discussed earlier some of the actions that have been taken in relation to the intimidation of the local Iranian community in Australia. I've certainly heard from a number of people in that community over the last weeks that they're concerned that their activities are being tracked or monitored by Iranian intelligence. I know the ABC reported last weekend that the family of an Iranian Australian nurse living in Melbourne had been threatened by Iranian authorities, including three men visiting her father in Iran and telling him they would burn down his property if she didn't stop sharing information about human rights abuses in Iran online. Given your comments earlier, I'm interested to know what actions, aside from the representation to the Iranian embassy by DFAT, has the government taken to hold Iran to account for this or for the violence that's been perpetrated against women and girls.

Mr Innes-Brown: It's something that we've engaged the Australian Federal Police on. I do know it has been reported back that members of the community have raised this issue with the New South Wales police, who have looked into this. At the moment they're the main activities. It is obviously something we're sort of still getting across the extent of. What I would say from my own experience on Iran matters over a number of years is that, unfortunately, this is a practice of the Iranian regime. I know, for instance, that in the BBC Persian service, which is based out of London, a lot of their journalists over many years have had their families intimidated by the regime, which obviously does not like criticism or alternative views or morality being reported. So, unfortunately, this is a characteristic. They don't like dissent, internal or external, and it's something that we're obviously going to have to monitor closely and consider options.

Senator CHANDLER: So you are considering further actions that might be possible beyond just speaking to the embassy and raising those issues with the Iranian embassy?

Senator Wong: We just talked about the AFP.

Senator CHANDLER: Yes, so that's—

Mr Innes-Brown: That's right, we're talking to the AFP. This is sort of preliminary, I guess. We're just sort of working our way through the issue. I imagine if it continues with something, we're going to have to continue the conversation with the Iranian embassy about it and so forth as a conduit for those messages.

Senator Wong: What I would say to members of the diaspora is that, if you have been harassed or people are behaving towards you in ways which contravene Australia's laws, whether that be physical or other harassment or intimidation, we would support you engaging with the Australian Federal Police about that or the local police. This is an issue in a number of diaspora communities, as you know. We are a democracy and people are entitled to—even if their views are not supported by particular regimes, in whatever forum, we should be asserting the right of protesters, researchers or whomever in our democracy to express their views freely.

Senator CHANDLER: Minister, have you been specifically briefed on the extent of the Iranian covert activities in Australia?

Senator Wong: I can't answer that in this forum. The government has a very clear view. To be fair, both parties of government have a very clear view about the importance of safeguarding the Australian democracy, which includes diaspora communities being able to assert their views peacefully and freely.

Senator CHANDLER: I appreciate your comments there, Minister. Thank you. I'll ask another question. Given the commentary today, I'm just trying to peel away a few layers here. So, if I get a response, I get one. If I don't, I recognise we've traversed these issues quite a bit. In regard to the specific individuals and entities that our allies have already sanctioned over recent weeks in relation to Iran, including the morality police, has the department identified any obstacles to Australia sanctioning those same entities and individuals?

Ms Adams: I think, Senator, I will refer back to the previous discussion. We won't be giving indications of future sanctions with respect to particular individuals.

Senator CHANDLER: Okay. You haven't identified anything that would stop us doing it?

Ms Adams: Well, I'm not prepared to really get any further into those questions or foreshadow actions that may or may not be taken.

Senator CHANDLER: Thank you. I just want to return to the Prime Minister's comment yesterday about considering business implications before implementing sanctions. This is more of an operational question, I suppose. Which agency or part of government would be carrying out the consideration of business implications before we took any action, regardless of whether it's sanctions or something else? Is that something that DFAT would concern itself with or is it something that another department would do?

Ms Adams: I think we would—well, government would consider all national interest implications. There's a range of interests that we have, including our diplomatic presence and others, so all factors would be taken into account. DFAT has a coordinating role in that.

Senator CHANDLER: A coordinating role? Could you elaborate as to what—

Ms Adams: Well, as the foreign affairs and trade department, we would be the agency primarily doing that work.

Senator CHANDLER: And, given the Prime Minister's comments yesterday, are you currently coordinating that work?

Ms Adams: Regardless of any comments, assessments on the full range of national interests would—this is a hypothetical we're talking about here.

Senator CHANDLER: Sorry—the Prime Minister made a comment in question time yesterday, in responding to a question in relation to this issue more broadly, that the business implications of potential actions were being considered. So I'm just interested to know: is that actually currently occurring?

Ms Adams: I can only reiterate that we would assess all implications.

Senator CHANDLER: Thank you.

Senator STEELE-JOHN: You and your office, Minister, replied to a letter written to you which I sent to your office a while back in relation to the situation in Iran. We had that printed and circulated, so I think you've got that on your table or in your notes, just so that I can ask some follow-up questions in relation to it. You're looking at me like you didn't write the letter yourself. I'm so offended that you didn't write back in person. No, I know you didn't.

Senator Wong: I just hadn't seen this one.

Senator STEELE-JOHN: It was a jocular comment. In all seriousness, if it's okay, I'd like to ask you some clarifying questions on the content of that letter just to understand a bit more about some of the contents that you've put there. Can you tell us the current status of the IRGC here in Australia and what it will mean in terms of sanctions? For instance, it would be good to have more of an idea of the steps that you've outlined in the letter and what they tangibly mean in the Australian context.

Senator Wong: This is the paragraph in relation to the Islamic Revolutionary Guard Corps under autonomous actions. I think I responded to Senator Chandler on this, but I'd ask the relevant officer from DFAT to come to the table to explain technically what that references.

Mr Walter: In brief, the Islamic Revolutionary Guard Corps is subject to targeted financial sanctions. We've also imposed targeted financial sanctions and travel bans in relation to some individuals associated with that corps. What that means in practical terms is—in terms of targeted financial sanctions, there are two components to that. First, no Australian or Australian entity, whether in Australia or overseas, or anyone acting in Australia can provide an asset to that corps. That is a really—'asset' is defined very broadly. It's any tangible or intangible asset. If I give you a piece of paper, I've given you an asset, to give you some sense of the scope of the prohibition. We also do what are called asset freezes. In the event that there are any assets in Australia that belong to an entity or an individual that is the subject of targeted financial sanctions, we freeze—we don't seize them, but we freeze those assets in Australia. Then, in terms of travel bans, where they're imposed on an individual, that's obviously a prohibition on entering Australia. But, in the event that person was in Australia, it would also require them to leave within a reasonable period of time.

Senator STEELE-JOHN: Thank you. So, just to summarise, because I think there's a great deal of interest from the community to understand exactly what these measures mean in relation to the IRGC, if there was an individual who was a member of the IRGC within Australia, they would be deported? What would be the action?

Mr Walter: We need to be a little bit careful. There's the entity and then there are individuals. In terms of the entity, that's where we've got the targeted financial sanctions. Travel restrictions don't apply to each and every member of that entity. Travel restrictions are imposed on individuals. So, if they're not listed as an individual who's subject to a travel restriction, they could enter Australia. However, just to be very careful here, obviously they need a visa. There are a number of mechanisms by which that person might be refused a visa, including on foreign policy considerations or grounds which the minister could decide that they're—

Senator STEELE-JOHN: In the letter, I think it's made note that a listing of the IRGC for counterterrorism sanctions would not result in any additional sanctions measures being implemented. I just want to confirm just in very clear language so that we as a committee understand. Basically, if they were designated as such under counterterrorism sanctions, there'd be no material difference to what is in place?

Mr Walter: That's correct. If you're the subject of targeted financial sanctions under any one of our frameworks, there is no additional restriction on you if we then list you under another framework.

Senator STEELE-JOHN: Okay, thank you. Canada has built on the existing sanctions that it has in place in relation to the corps. Is Australia considering or building on the steps that have been taken beyond what has been outlined in the letter?

Ms Adams: I think we've already answered those questions, Senator.

Senator STEELE-JOHN: I may have been out of the room when you did. Can you just clarify?

Senator Wong: I refer you back to our previous answer. I've answered you, Senator Chandler and Senator Birmingham on the sanctions point. I don't think I'm going to keep repeating it all day.

Senator STEELE-JOHN: So just to—

Senator Wong: No, I refer back to my previous answer.

Senator STEELE-JOHN: Okay.

Senator Wong: But, if you want to talk about Canada, I have engaged with my counterpart, foreign minister Joly, about this issue. I think you may or may not have been in the room when I explained there was contact about the meeting that she convened in relation to women foreign ministers. Regrettably, I was travelling, so I could not get online for such a meeting. So I asked her if I could provide a video expressing our solidarity to the group, which we then released publicly. We also joined with Canada and New Zealand in a statement to the UNSC about Iran's membership of the UN Commission on the Status of Women. I would note we're not actually a member of that body. You've been saying a lot about actions, not words. That is, to my way of thinking, one of the actions we can take given we're not actually a member of the body concerned.

Senator STEELE-JOHN: But, just to clarify, you have called for their removal from the body concerned?

Senator Wong: We've issued a public statement with Canada and New Zealand on 3 November that I referenced, I think, in response to Senator Chandler.

Senator STEELE-JOHN: Is that statement in the public domain?

Senator Wong: Yes, I'll make sure that it's available.

Senator STEELE-JOHN: If you're able to table it—thank you.

Senator Wong: Being aware that we're not on the body.

Senator STEELE-JOHN: No, I'm—

Senator Wong: If there's an action to remove, we're not a member of that body.

Senator STEELE-JOHN: Yes. We're not a member of the body. That doesn't stop us calling for another nation that is a member to be removed from that body, does it?

Senator Wong: No, which is why—you've been complaining about actions, not words. I'm saying here that I think the best way of doing this is to join with statements for the reason I've just outlined.

Senator STEELE-JOHN: I haven't used that phrase in the course of—

Senator Wong: Actually, I think you have. But, anyway, that's okay.

Senator STEELE-JOHN: No, that was Senator Birmingham.

Senator Wong: Anyway, it doesn't matter. I don't think it's acceptable to the international community. I would make the point. I think a public position on this has been articulated by US, New Zealand, Canada and then I think subsequently Vice-President Harris. It is not more widespread than that. Obviously, it would need to be, for action to be taken as a matter of principle. Member countries have different views and come from different cultural and religious perspectives. But I don't believe, and the Australian government doesn't believe, that a

member or any country should be violating the rights of women and girls with such disdain. As such, we don't think it's acceptable that Iran should continue to belong to this body.

CHAIR: Senator Steele-John, in relation to the letter from Minister Wong, were you seeking to table it or just to circulate it?

Senator STEELE-JOHN: Just to circulate it.

CHAIR: Thank you.

Senator THORPE: My question, which I understand you've had previously—mine will be a completely different take on it, however—is regarding the new Office of First Nations Engagement and the First Nations ambassador's role. Is it correct that the office and the role of the ambassador are established for the contribution of a First Nations foreign policy to implement the Uluru Statement from the Heart and the United Nations Declaration on the Rights of Indigenous Peoples?

Mr Brazier: We did go over some of this a bit earlier, where I set out the purposes as set out by ministers in their release and in the expression of interest that was put out for interested Australians who would like to apply to fill the position. Is there information beyond the expression of interest—

Senator THORPE: I understand that you've sent out job descriptions and so forth, but my question is about the contribution of a First Nations foreign policy to implement the Uluru Statement from the Heart and the United Nations Declaration on the Rights of Indigenous Peoples. Is that what this role is to do?

Ms Smith: The office and the ambassador are really about giving effect to a First Nations approach to foreign policy. Australia, of course—we've spoken previously about UNDRIP and the government's commitment to that. There are elements of that which are international and the ambassador, I expect, will be involved in those elements, particularly our engagement in the UN Permanent Forum and other such forums. So that would be part of it. In terms of implementing the Uluru Statement from the Heart, in as much as we will discuss that, we'll engage with other partners internationally about their similar processes and share the experiences and lessons that we learn as we go through that process, then that would be something that I would expect the ambassador and the office would engage on.

Senator THORPE: The elements of the Uluru Statement from the Heart, which are truth, treaty and voice, all seem to be inherently focused on domestic matters. I'm interested in how you think foreign policy will assist in their implementation. I understand that you just covered the interactions with other countries, but in terms of actual implementation, how is that going to work?

Senator Wong: I think the terms of reference—and obviously this is the first time this has been done. We will learn as we proceed. I hope that—the ambassador will, I'm sure, bring their own perspective to how to operate and how to promulgate Australia and what Australia is doing. I think that, if you look at the terms of reference, the voice is referenced a couple of times. Voice, treaty and truth are referenced in terms of our engagement with partners. I see that—and this is my thinking; I'm not going to be the ambassador and they may have a different view—very much in terms of telling the full story of who we are and explaining how and what this process means to us, because I think it's profoundly important for who we are as a nation and that is an important discussion to share, particularly with some of the countries of our region. I think the third term was progress—First Nations rights and interests globally. Again, I think this hasn't really been done very much. So I'm not going to pretend to you that we've got a sort of blueprint. Do I think it is a good thing for First Nations people from different parts of the world to engage with each other, as happens already but in a more facilitated context, about how they have walked their own journey in country around the issues that we know confront so many First Nations people? Yes, I do. I found the discussion that we had at the UN with Canada, Finland, New Zealand and Mexico and the US actually very—I learned a lot. The president of the Sami parliament talked about the way in which the Sami people and that parliament had engaged with broader Finnish society and existing institutions. So I found that very helpful. I know that we haven't done this before.

Senator THORPE: I think it's a great idea. Let me make that clear. I just want to make sure that, from my constituents' perspective, it's what they want.

Senator Wong: Yes, and I don't think the ambassador's going to be telling you how to handle the Voice or truth. I don't think that's the idea.

Senator THORPE: On that, how will this ambassador engage and consult with Aboriginal people in this country?

Ms Smith: Once the ambassador is appointed, we'll work with them to establish a process to engage communities and different groups. We've already started engaging different groups, even just through advertising

the EOI process. That's been a start. But, really, we're looking forward to working with the ambassador and they will, of course, bring their own perspectives and views on how to take the terms of reference and implement them.

Senator THORPE: Can the community out there be confident now that the First Nations ambassador will seek their advice and opinions rather than those of the hand-picked bodies that have already been established by the government?

Ms Smith: Yes, that would be what we would expect the ambassador to do—to establish processes, to be able to do that in a systematic way and to work through the different parts of the terms of reference that Mr Brazier summarised this morning.

Senator THORPE: Who will the ambassador be guided by in their work?

Ms Smith: I think in terms of guidance it'll be through the engagement they have with various groups. They will also engage across not just DFAT but also other government departments in thinking about how they engage the community groups, as I said, and other First Nations organisations. I think from a policy point of view they'll be very much guided by the foreign minister and what the government has said in terms of the ambition for this.

Senator Wong: Can I just go back to the terms of reference—the second dot point under item 1. This is the expectations or the outlining of the ambassador role:

Design and establish a process to systematically engage and consult First Nations communities, advocates and leaders to bring Indigenous perspectives into Australian diplomacy, and advise on how Australia's international engagement can best support and maximise opportunities for First Nation Australians in a globalised world.

I think I understand particularly where you come from and the perspective you bring, Senator Thorpe. You are keen, I think, to ensure that this person actually engages at the grassroots level. Others will be more expert than I am on that, but I think the expectation is that there's a consultation capacity.

Senator THORPE: Great, thank you. How would the Office of First Nations Engagement and the ambassador role advance the implementation of the UNDRIP in Australia—the United Nations Declaration on the Rights of Indigenous Peoples in Australia?

Ms Smith: I don't think the ambassador would necessarily have a domestic role in UNDRIP, but, as we discussed in the other inquiry, we as DFAT are certainly involved in how we implement UNDRIP and engage on UNDRIP internationally. At this stage, it's not a very specific domestic role for that we would envisage, because others—NIAA, the National Indigenous Australians Agency, of course, leads the domestic implementation of UNDRIP. We're already working very closely with them, and we would expect the ambassador will work closely with them, but it's not to give the ambassador a big domestic role in that. That's certainly not what's envisaged at the moment, as you can see in the terms of reference.

Senator THORPE: Do you agree that ratifying the United Nations Declaration on the Rights of Indigenous Peoples in domestic law would be the obvious solution to implementing the United Nations Declaration on the Rights of Indigenous Peoples in Australia?

Ms Smith: I think that would be a question you would have to direct to the National Indigenous Australians Agency.

Senator THORPE: Ultimately, though, if the UNDRIP were enacted in Australia, the government would have to ensure that our laws and practices comply with the UNDRIP. So it would advance its implementation. Do you agree?

Ms Smith: UNDRIP is a UN convention with a treaty status. Absolutely, as we've discussed previously, the government is committed to it. But, in terms of those sorts of angles to it and perspectives of what might happen domestically, that really is for NIAA.

Senator THORPE: How can we advocate for its implementation globally if we haven't ratified it?

Ms Smith: I think we're still implementing in line with UNDRIP and applying those principles. We absolutely can still engage on the discussions that we have in international fora on UNDRIP.

Senator THORPE: How would we do that internationally if it really doesn't mean anything to this country? It hasn't been ratified. It's not even taken seriously in this place. It's been kicked down the road many times. So how can a First Nations ambassador go to another country and talk about the United Nations Declaration on the Rights of Indigenous Peoples when this country hasn't ratified it and hasn't done anything about it except for saying, 'It's there and we've signed up to it, but we're not going to make it law'?

Ms Smith: We are signed up to it. We do engage, we apply the principles, and we can demonstrate how that's happening domestically. We talk about that experience and the experience of others in international fora. I don't think not ratifying impedes us in doing that.

Senator THORPE: Would you be able to put on notice where the United Nations Declaration on the Rights of Indigenous Peoples is enacted in our workings? I mean, which parts of the United Nations declaration are you referring to?

Ms Smith: That would be a question you'd have to put to NIAA in terms of the domestic aspects of it.

Senator THORPE: How about the international aspects of that?

Ms Smith: As I've explained, we do engage on UNDRIP. We engage in the UN Permanent Forum on that. Not having ratified or put it into legislation doesn't stop us doing that. So we're able to still talk about the principles and talk about what we're doing in line with them.

Senator THORPE: But we're not adhering to the principles in this country. So I'm confused. Can you just talk me through how we're abiding by the principles of the rights of Indigenous people in this country. I'm really interested to hear that one.

Ms Smith: I think that, in terms of how we're doing that here in Australia, you would have to raise it with the National Indigenous Australians Agency.

Senator THORPE: I'm sure I'll be doing that. The budget papers only include funding for the new office for less than two years. Why is it only a short time frame?

Ms Smith: You're right. The PBS outlines \$2 million over two years. That funding enables us to support the appointment of the ambassador and the early engagement and then the engagement that would be required to design and establish the office and establish the agenda going forward with the ambassador. That will then inform recommendations to government on budget allocations over the forward estimates.

Senator THORPE: The application deadline for the role passed last week, 4 November. How many applications have you received?

Ms Smith: We've received 31 applications.

Senator THORPE: When can we expect a decision?

Ms Smith: There are processes we are going through now in terms of a shortlisting process, then decision by government on the preferred candidate. Then there are usual processes through Executive Council. We don't have an exact time frame on how that will all run through, but I would hope by early next year.

Senator THORPE: Will they have the same power as other ambassadors of Australia?

Ms Smith: I don't know what you mean by power, but certainly their role will be as per the terms of reference. That would be very similar to the other ambassadors that we have. The minister mentioned this morning other thematic ambassadors that work within the portfolio.

Senator THORPE: Thank you very much. I am looking forward to it.

Senator BIRMINGHAM: Minister Wong, do you recall giving the annual lecture to the Australian Institute of International Affairs, Tasmanian branch, on human rights in April last year?

Senator Wong: Clearly it was a dark, cold night. I do remember this: there was a very good Japanese restaurant. I think that was the only one open, but it was very good food.

Senator BIRMINGHAM: There we go.

Senator Wong: Senator Chandler probably knows about it. But we had trouble finding something. Yes, I do. I don't recall the detail of the speech.

Senator BIRMINGHAM: Okay.

Senator Wong: I think—was that where we talked about modern slavery?

Senator BIRMINGHAM: You did talk about the Modern Slavery Act as part of it.

Senator Wong: Yes, I do remember.

Senator BIRMINGHAM: And, unsurprisingly, in also talking about the Modern Slavery Act, you spoke to some degree about Xinjiang as well. One of the statements you made was: 'We call on the Morrison government to provide its assessment of what is happening in Xinjiang—based on all of the information available to its agencies—and what it is doing to address the situation'. So can I ask, first: what is the Australian government's assessment of what is happening in Xinjiang at present?

Ms Adams: Deputy Secretary Hayhurst will provide some information on our assessment on Xinjiang.

Mr Hayhurst: I'm just getting to the right part of my brief. The government's assessment is best set out, I think, in the foreign minister's statement of 1 September this year, in which the minister set out deep concerns

about the findings of the Office of the High Commissioner for Human Rights and her report on the situation in Xinjiang. That report was informed by extensive research, including the firsthand testimonies of Uighur and other predominantly Muslim minority peoples in Xinjiang. The report found that allegations of torture or ill treatment were credible, as were allegations recounted in the report of individual incidents of sexual and gender-based violence. The same report also found that some of those violations could amount to crimes against humanity. The Australian government, both in that statement and on other occasions, has set out its expectations that all countries should adhere to their international human rights obligations.

Senator BIRMINGHAM: Thank you, Mr Hayhurst. Again, using the minister's language from the previous speech, what is the government doing to address the situation?

Senator Wong: I give a lot of speeches, and Senator Birmingham has read all of them. I'm impressed.

Senator BIRMINGHAM: I wish I could say that I had, Senator Wong, but I have not. We will work through it, and I have some very good people who work with me—

Senator Wong: Read the ones I'm giving now, with the full weight of DFAT behind them.

Senator PATERSON: I'm not saying we should ignore your previous speeches.

Senator Wong: That's fine. I'm remarkably consistent, if I may say. What was the question?

Senator BIRMINGHAM: The question was: what is the government doing to address the situation?

Mr Hayhurst: Senator, if I may run through some of the Australian government's recent actions and statements, on several occasions in public, in the multilateral arena and directly with China, we've raised our deep concern on this matter. Australia joined 50 countries in a statement on human rights in the UN on 31 October 2022 and co-sponsored, as part of a group of 23 countries, a side event on Xinjiang on 26 October at the United Nations General Assembly Third Committee. The views of Australia were also set out in a joint statement between the prime ministers of our country and Japan on 22 October. We've also set out our views and concerns in September, both on 14th and 26th, during the 51st session of the UN Human Rights Council. There's also the minister's statement on 1 September that I referred to previously. We've continued also, Senator, to raise the matter directly with the government of China on several occasions.

Senator BIRMINGHAM: On that last front, Mr Hayhurst, has that included Minister Wong's engagements with state councillor and foreign minister Wang Yi?

Mr Hayhurst: It has, yes.

Senator BIRMINGHAM: And we could expect that, assuming there is a meeting between Prime Minister Albanese and President Xi Jinping, these concerns will also be raised consistent with Australia's longstanding approach?

Mr Hayhurst: You will understand I'm not in a position to foreshadow or pre-empt what the Prime Minister of Australia may or may not raise in any specific meeting.

Senator BIRMINGHAM: I'm conscious that I'm going to be up against the clock before the break, so I won't go over all of the same ground we've traversed in a range of areas in relation to use of sanctions, because I am well aware of the responses that I will receive, Minister. However, I do note that you again previously have said that the Morrison government should also consider targeted sanctions on foreign companies, officials and other entities known to be directly profiting from Uighur forced labour and other human rights abuses. Minister, can I—

Senator Wong: That was very responsible, wasn't it: 'consider'. I think you've gone far further, right?

Senator BIRMINGHAM: I think I've indicated that we would give you bipartisan support, Minister. Have you met with representatives of the Australian Uighur Association since the election?

Senator Wong: I'd have to take that on notice. I know there was—I recall an event in the context of the election campaign and meetings prior to the election. But I can take that on notice, including what has been sought.

Senator BIRMINGHAM: In your statements previously calling on the Morrison government to—

Senator Wong: Excuse me, I'll get Mr Hayhurst to perhaps on notice see what engagement there may or may not have been at the department level.

Mr Hayhurst: Yes, I'll do that.

Senator BIRMINGHAM: Thank you. In making your statement previously in your speech about the Morrison government providing an assessment of what was happening, you also noted other countries having described the situation—

Senator Wong: Are we still on this speech, are we?

Senator BIRMINGHAM: Yes—other countries having described the situation as genocide. Has the government made any assessment in relation to whether it believes there is genocide occurring in the Xinjiang region?

Mr Bowan: Whether the crime of genocide or particular crimes against humanity have been committed is a matter for appropriate courts and tribunals. But we take very seriously the reports finding that 'the extent of arbitrary and discriminatory detention of members of Uighur and other predominantly Muslim groups may constitute international crimes—in particular, crimes against humanity'.

Senator BIRMINGHAM: Does the government accept findings in relation to the UN report as they relate to the extent of forced labour activities within the region?

Mr Hayhurst: I think the government's statement through the minister on 1 September doesn't address every single instance of the report, but it's a very clear statement of concern about the breadth of the contents of the report and talks about, in effect, the rigour and comprehensiveness of the process. The report itself, as you may be aware, was the product of a considerable period of time and work in the Office of the UN High Commissioner for Human Rights.

Senator BIRMINGHAM: Is the government aware of public reports particularly identifying the extent of forced labour in the solar PV industry within the Xinjiang region?

Mr Hayhurst: DFAT is aware of those sorts of reports, yes. We're aware of them.

Senator BIRMINGHAM: Has any assessment been undertaken as to whether product entering Australia is subject to forced labour coming from that region?

Mr Hayhurst: I'm not aware of any assessment, but I might take that on notice to be able properly to answer your query about the process we have for looking at issues around forced labour in supply chains.

Senator Wong: Exactly, and in part this goes back to the Modern Slavery Act point.

Ms Adams: Which is the responsibility of—

Senator Wong: Another department.

Ms Adams: the Attorney-General's Department.

Senator Wong: Goods and services that are derived from any form of forced labour ought not be provided for in the Australian market, and they are. So part of how we might make a very clear normative and economic set of decisions—part of how we might give both economic and normative signals is through that kind of domestic framework.

Senator BIRMINGHAM: Does the department's assessment and reports in relation to forced labour within Xinjiang form part of the department's submission and engagement with AGs and the review that they are leading on the Modern Slavery Act?

Mr Hayhurst: In the department's engagement with the Attorney-General's Department, we obviously are very interested and concerned by that issue. I won't go into more detail than that, but obviously it's an important question for the government, as the Minister has outlined here today.

Senator BIRMINGHAM: Thank you.

Proceedings suspended from 15:32 to 15:51

CHAIR: Secretary, did you have something you wanted to table?

Ms Adams: Thank you, Chair. I have an answer to a question on notice to read into the record at your discretion.

CHAIR: Go ahead.

Ms Adams: Thank you. It's in answer to a question from Senator Green this morning. Senator, you asked about the number of passport applications the Australian Passport Office was receiving in the middle of 2020 after international borders shut. The answer is that, between 1 April and 30 September 2020, the Australian Passport Office received an average of around 1,900 applications per business day.

Senator GREEN: Thank you.

CHAIR: Thank you very much, Secretary.

Senator WHITE: My question is, I think, for the Chief Operating Officer regarding the independent investigation into the events of 2 November 2021. The events that I want to talk about are when then high commissioner Brandis's car caused an accident while attempting to join the former prime minister's motorcade

during COP26 in Glasgow. I think it's over a year ago. You might recall—I don't think these questions were to you. But Senator Tim Ayres had a range of questions back, I think, in April about the department's actions post that incident. I think at that time he referenced *The Italian job* as what made him think of it. That's a film, Minister. Having read what he said and the paperwork, I thought it was a bit more like *Fast and Furious Glasgow*. Anyway, it's something I might sell to the franchise. That went down like a lead balloon—oh well. Clearly *The Italian Job* is far more for the audience. Anyway, can I ask: what I'm really interested in is what's happened since. You'll recall that the department commissioned Ashurst lawyers to undertake an independent investigation into the incident in January this year. Is that right?

Ms Walsh: Yes, a second investigation was commissioned by the then secretary. The department engaged Ashurst on 11 January.

Senator WHITE: So that was Ashurst London—is that right?

Ms Walsh: It was the London office, yes.

Senator WHITE: There had been an earlier investigation by—is it?—Mr Simon Devonshire QC at that time, who was a lawyer in the UK. Is that right?

Ms Walsh: That's correct.

Senator WHITE: He started the inquiry on 1 December 2021—is that right?

Ms Walsh: That's correct. The first inquiry was one that was commissioned by our post in London. Mr Devonshire was asked to undertake preliminary inquiries in relation to the actions of the driver extending from the UK police report.

Senator WHITE: So his was only preliminary. But he completed a report, didn't he?

Ms Walsh: Yes, he did.

Senator WHITE: He did—so preliminary inquiries. Those preliminary inquiries cost \$70,000—is that right?

Ms Walsh: No, that's not correct, Senator. That inquiry costs 6,450 pounds, so that's around \$11,534.

Senator WHITE: Okay. Mr Hudson said back in April that he'd commissioned a work order that he executed to the value of up to \$70,000, but that wasn't actually what it cost?

Ms Walsh: That would have been the second one.

Senator WHITE: Okay. So the first one was \$6,000?

Ms Walsh: It was 6,000 pounds—around \$11,000 dollars.

Senator WHITE: So it was \$11,000 for a preliminary report that took less than a month—is that right?

Ms Walsh: The first inquiry was engaged on 1 December and provided on 10 January.

Senator WHITE: So it was just over a month, although they probably had Christmas off. Former secretary Campbell told this committee that she thought the initial investigation was not broad enough, so she commissioned Ashurst, as we've just said, to commence that second investigation in January 2022. That's right, isn't it? It wasn't broad enough. Can you explain what she meant by not broad enough? Why wasn't it broad enough?

Ms Walsh: I think that she wanted—I'm sorry, I wasn't the COO at the time, but I understand that she wanted something that was arm's length of the post so that it could be looking at a wider scope and be looked at from, I guess, a broader perspective, not just the post incident.

Senator WHITE: So she didn't think that an \$11,000 QC who looked at it for a month was arm's length enough? Is that what you gather from it?

Ms Walsh: I'd be putting words into a former secretary's mouth there, but what I understand is that she was looking for something in addition that was a more comprehensive report that was not conducted by the post itself.

Senator WHITE: Not conducted by the post.

Ms Walsh: Sorry, what I mean is that the post commissioned that report.

Senator WHITE: So they instructed the QC?

Ms Walsh: That's my understanding, yes.

Senator WHITE: I think the last questioning was in April. The Ashurst investigation was due to be completed by 30 April. Was it completed by 30 April?

Ms Walsh: My understanding is that the department received the second report by Ashurst on 6 July of this year.

Senator WHITE: Wow, that's much longer. Why did it take so long, do you know?

Ms Walsh: I don't know the complete details, but I understand that there were a few interruptions as a result of COVID restrictions in terms of interviewing people. My understanding was that the delays were largely to do with restrictions and access to people that needed to be interviewed.

Senator WHITE: I'm not sure that I understand that. Hasn't the world been utilising Teams and Zoom and a whole lot of video conferencing? These were all conducted in person, were they?

Ms Walsh: Yes. My understanding was the preference was that these were in person wherever possible.

Senator WHITE: Right, wherever possible. So it was extended from—Ashurst London office conducted the second investigation from January 2022 and produced a written report on 6 July?

Ms Walsh: I don't think that's completely correct. While Ashurst was engaged, if you like, I don't think the contract was signed in January. I think the contract was signed—I'd have to double check this. Let me confirm and come back to you in this session. But it was later in February, I believe.

Senator WHITE: Later in February. I think Senator Ayres asked back in April what the terms of that contract were. I think lawyers, certainly here in Australia, have to detail what the likely hourly costs are and the like. So that wasn't done until April—is that right?

Ms Walsh: No. I think my predecessor, Mr Hudson, who was the COO at the time, may have corrected the record from his evidence in January. But the work order was signed in February.

Senator WHITE: In February. And then the scope was done by April?

Ms Walsh: No. The scope would have been defined in the work order and then the report was provided to the department, as I said, in July.

Senator WHITE: Okay. So you'd say Ashurst spent from February to 6 July—

Ms Walsh: Around about.

Senator WHITE: producing that, although they originally said that they would have it by 30 April or that was the expectation of the department?

Ms Walsh: I think there was an administrative delay that was unintended. That meant that it started later than intended. That's why the contract signing in February was about a month later than had originally been intended, as I understand it.

Senator WHITE: I don't think that was clear at the last hearing. What was the total cost of the Ashurst investigation?

Ms Walsh: I understand the total cost came in at \$240,000.

Senator WHITE: Australian dollars?

Ms Walsh: Yes.

Senator WHITE: So it was \$240,000. Back in April, when Mr Hudson said he'd executed to the value of \$70,000, that was only in relation to the QC, Mr Devonshire?

Ms Walsh: No. Just to clarify again, there have been two inquiries. There was the preliminary investigation that was done by Mr Devonshire, who was the QC, and that was the report that came in at a cost of A\$11,000. The second inquiry or investigation that was conducted—the one we're talking about now—

Senator WHITE: Ashurst?

Ms Walsh: Yes, Ashurst.

Senator WHITE: Their inquiry was \$240,000. So the total cost for the investigation in Australian dollars was \$251,500—is that right?

Ms Walsh: Approximately.

Senator WHITE: Approximately—so what else was in there?

Ms Walsh: No, I'm sorry, in terms of the—I'd have to check the figures, because the first one was in pounds. That's the only reason I'm saying 'approximately'.

Senator WHITE: Hopefully you paid it when the exchange rate was more favourable. It could have been far more. What was the damage to the cars? Do you know what the total cost of those was?

Ms Walsh: There were two UK police vehicles that were damaged. There wasn't any damage to any Australian owned cars or leased cars. There was—I'm just looking for the information in my brief. My apologies.

In August of this year the Surrey and Sussex police requested a reimbursement for damage to those vehicles. I'll give it to you in pounds and then dollars again. In pounds it was 14,346.90 pounds. That's approximately \$26,319.

Senator WHITE: So we chalked up \$200—

Ms Walsh: I should be clear: in terms of the request for reimbursement by the police, we have referred that to Comcover as our insurer. Comcover is currently considering that claim.

Senator WHITE: It's like an insurance claim, then?

Ms Walsh: Yes.

Senator WHITE: We're talking about \$280,000 so far, probably, in total costs in terms of—if it wasn't an insurance claim.

Ms Walsh: Depending on how you calculate an insurance claim.

Senator WHITE: The first rule of insurance is don't pay. So it's been 12 months since the incident. It's been a pretty expensive process for the department. Can you tell us what the main findings of both of those were—first the preliminary inquiry and then the more extensive Ashurst inquiry? Can you give us an overview of what—well, not an overview; the main findings of these investigations?

Ms Walsh: In terms of the first inquiry, Mr Devonshire's role was to advise whether any disciplinary action should be taken against the driver of the vehicle. He did not recommend any disciplinary action against the driver. As I said, the second investigation had a much broader scope, and I can say that the report made some factual findings. I should be clear that the second investigation was very much framed around or focused on work health and safety issues associated with the incident and hence the factual findings go to that point. The factual findings were that the vehicle arrangements that were executed in relation to the head of missions transport were not in accordance with scheduled arrangements. Then a bus was scheduled to take members of the Australian delegation from Cameron House to the Weir Group breakfast. Ashurst found that, while the high commissioner was scheduled to take the bus on that day, the advice to him about changing the arrangement was made very late in the evening and was probably not effectively communicated to either him or a member of his team. That report also didn't recommend that there'd be any conduct action against any individuals involved in the matter. But, of course, we have taken account of those findings and developed an action plan to ensure that we do have the lessons learned from the incident and that local arrangements and knowledge are improved but also thinking about what the lessons are right across our network.

Senator WHITE: Surely one of the lessons would have been to take the bus.

Ms Walsh: Each visit is different, Senator.

Senator WHITE: Sorry, when you start looking at this one, surely that was the choice—take the bus or take the car. Surely that would have been one of them. Did Ashurst mention that?

Ms Walsh: Ashurst wasn't being asked to make a judgement on what should or shouldn't have happened. They were really looking at whether the process steps that were taken were adequate.

Senator WHITE: Okay. What else did they find?

Ms Walsh: They're the main findings, but I can say that the matter is now considered closed. There's no further investigation required and, certainly, the UK authorities are not intending to pursue the matter further.

Senator WHITE: How many people in total were interviewed by Ashurst?

Ms Walsh: There were 12 staff from post that were interviewed. That included the high commissioner, other A-based staff and locally engaged staff.

Senator WHITE: Were any staff or officers of Scotland Yard interviewed?

Ms Walsh: Not that I'm aware of, because it wasn't looking at that set of issues. The terms of reference or the scope of the investigation wouldn't have logically required a discussion with the police.

Senator WHITE: I think you said that the idea was to broaden this to look at OH&S issues. What were the OH&S learnings that came out of this?

Ms Walsh: I'm actually going to invite my Chief People Officer, Ms Talbot, to provide that detail to you, Senator.

Ms Talbot: We mentioned before an implementation plan on that response and what our employee health and safety area has been working on in conjunction with post, which is around increasing our literacy and training of our staff and ensuring that we can improve processes. I have an officer who's due to go to post soon to actually provide some additional training and mentoring with staff. Like any incident that occurs in work health and

safety, we take this as an opportunity to ensure that we remind our staff, our overseas network and our workplace within Australia about roles and responsibilities in relation to work health and safety. We've actually just recently completed our Work Health and Safety Month. We reminded people through that how to prevent things like injuries at work—that people are actually following work health safety procedures, how to manage risks, how to prevent injuries, looking at ways of working, and, obviously, given the particular instance we're referring to, when looking at things like rostering or event management, how to ensure that we take steps to, as reasonably as is practicable, eliminate any sort of incidents or risks to employees.

Senator WHITE: The media reporting suggested that the high commissioner told the driver to speed up to catch the convoy. Were there any findings about that in a health and safety context?

Ms Walsh: I don't think so; I don't recall that. I'm happy to have a look at the report again and come back to you on notice.

Senator WHITE: The *Daily Telegraph* and I think the *Australian* ran—somebody had fully given their version of what had occurred and it sort of suggested that they were running late, they tried to get into the convoy and the high commissioner at that stage might have had something to do with why they were speeding. Was there any investigation of any of that?

Ms Walsh: I'll have to go back and read the report. I don't think so, but let me confirm.

Senator WHITE: There were also some suggestions in the media that the driver had been engaged the day before the incident and that he finished late the night before and then started earlier. Was that one of the OH&S findings?

Ms Walsh: It was one of the considerations—one of the things that Ashurst was asked to look at, because it does go to the rostering of drivers and work health and safety issues.

Senator WHITE: What did they find?

Ms Walsh: Again, I'd like to, if I may, take that on notice.

Senator WHITE: I'm going to ask you to table the findings and the report. Can you table both the findings of the QC first, Mr Devonshire, and then also Ashurst's findings and their full report?

Ms Walsh: I'll take that on notice, if I may—not because I'm trying to be unhelpful, but I do want to ensure that any parts of the document that might be subject to legal professional privilege and privacy are taken into account. There may well need to be some redactions if we're to table the report. So let me just have a look at it in that context.

Senator WHITE: Absolutely. I understand that. I might also ask you to table the detailed bill from Ashurst as to what they actually did and also from Mr Devonshire as well—exactly what was done and who was doing it. Back to the OH&S: I'm really quite a bit unclear on what the OH&S findings were exactly. Could you elaborate a little more on that?

Ms Adams: Senator, I think we should respond to the request to table the findings on notice. The major issue from our network-wide perspective is to make sure that the rostering of staff in these very intense international conference sorts of environments, or big visits, takes into account the WHS responsibilities—sorry, obligations, I meant. So that's the core of it.

Senator WHITE: Thank you.

Senator BIRMINGHAM: I want to ask some questions about some of the public statements that were made surrounding the offer of election funding to the Solomon Islands. At the outset, I want to make clear that the opposition strongly supports and welcomes the offer that the government made and acknowledges that is a continuation of longstanding practice. Of course, we would continue to encourage the government to support democracies across our region, and particularly Pacific Island nations, and to provide practical and financial support, where possible, in continuance of longstanding practice for the conduct of elections in their countries. Obviously, there was quite a bit of commentary, particularly following a statement issued by the government of the Solomon Islands on 6 September 2022. Can I just go back to what provoked that statement and ask: was it intentional or accidental to publicise the offer of election funding at that time?

Ms Peak: The offer to support the Solomon Islands elections was made earlier by our acting head of mission. The publication by the foreign minister was in response to a media query. It's a longstanding practice of the Australian government to support electoral processes. We've done it recently in Papua New Guinea; we've done it recently in Vanuatu; and we will do it, again, in Fiji. This is a longstanding practice, so there would have been no doubt that the Australian government stood ready to support electoral processes in the Solomon Islands.

Senator BIRMINGHAM: Thanks, Ms Peak. I think the first publication of an offer in this regard was in a *Financial Review* story by Andrew Tillett, headed 'Australian navy given permission to enter Solomon Islands waters', which was published on 6 September; is that correct?

Ms Peak: That's correct. We received a media inquiry in the Department of Foreign Affairs and Trade and responded to that.

Senator BIRMINGHAM: The department responded to that inquiry or Minister Wong's office responded?

Ms Peak: The department responded to that. It was in response to a query from, as you say, Mr Tillett.

Senator BIRMINGHAM: Did the department clear that response with the foreign minister's office first?

Ms Peak: I don't know the precise answer to that, but usually—

Senator Wong: I would anticipate that.

Ms Peak: Yes, usually that is the common practice.

Senator BIRMINGHAM: Can we get a copy of that response, please?

Ms Peak: Certainly.

Senator Wong: No, I'll take that on notice.

Senator BIRMINGHAM: It was being taken on notice in any event, I think. I wasn't expecting there was a copy at the table—I'd welcome it if there were—but otherwise I'm happy for it to be provided on notice. How had the offer to the Solomon Islands been communicated? You said it was earlier. Step us through that process a little bit, please, Ms Peak.

Ms Peak: Certainly. As I say, in some respects it's a standing offer, because it's such a longstanding practice for Australia to support democratic processes and to support, in particular, electoral processes. The offer was, if you like, confirmed by our acting head of mission in Honiara on 30 August; it was conveyed to Solomon Islands government officials.

Senator BIRMINGHAM: Did the department—or, Minister, you, in your office—consider the local sensitivities at the time before making public, responding to, media inquiries in relation to Australia's offer of assistance?

Ms Peak: When we consider media responses, we take into account all of the circumstances.

Senator BIRMINGHAM: Was any forewarning provided to the Solomon Islands government that they should expect it to be revealed in the Australian media that an offer had been made?

Ms Peak: I am not sure about the answer to that. I'd have to take that on notice in terms of a specific forewarning.

Senator BIRMINGHAM: Regarding the reaction to the offer, and the publication and publicising of the offer, was there any forewarning that the department or you, Minister, received prior to the media release that was issued on 6 September by the government communication unit of the Solomon Islands that they were as aggrieved as that statement made clear?

Ms Peak: I would have to check whether there was any specific forewarning. I'm not aware of that. But I would say that subsequent to that period you're talking about there have been a number of engagements with the Solomon Islands government. Minister Wong has met her counterpart, Foreign Minister Manele; the Prime Minister has hosted Prime Minister Sogavare; and, in fact, our offer of electoral assistance has been welcomed.

Senator BIRMINGHAM: That is consistent with my introductory remarks on the topic. It is welcome that our assistance has been welcomed. As I said, we would continue to encourage that. The statement by the Solomon Islands government says:

The Solomon Islands government has conveyed to the Australian government its concern on the conduct of bilateral relations via media through the Australian High Commission Office in Honiara.

So it certainly sounds like the Solomon Islands government had made contact with Australia before issuing this media statement. Is anybody able to confirm if that was the case?

Senator Wong: Sorry? I'm trying to work out which one you're talking about.

Ms Peak: I'm not sure that that specific language foreshadows that the Solomon Islands government had been in contact with us, but we can check on those details.

Senator BIRMINGHAM: It says, 'has conveyed to the Australian government', so—

Senator Wong: We all understand this is a standing offer. And as I made clear when I was asked the question, I think on morning radio, Australia's offer of electoral assistance was not conditional on election timing. As Ms

Peak said, we'd communicated the offer previously, both through the post and letter, and I think once the fact of this assistance being unconditional was clear across the government the offer was accepted and we're pleased that that has occurred. As Ms Peak said, I'm pleased that we had a very constructive engagement with the Foreign Minister at the UN General Assembly, and also that the acceptance of the offer was again confirmed by Prime Minister Sogavare when he was hosted last month.

Senator BIRMINGHAM: As I said Minister, that is welcome. I don't think that in the Radio National interview in question that you did make clear that it was unconditional. You certainly didn't suggest that there were conditions, but when it was put to you that it was related to the one-year delay, you simply reflected the longstanding and historical commitment without—

Senator Wong: I think the language goes directly to sovereignty in my answer and the sovereign decisions they would make. That's a matter for them. I haven't got the transcript in front of me.

Ms Peak: May I add that in our communications with the Solomon Islands government in advance, when we were conveying and confirming our standing offer, it was made very clear that it was an offer that was unconditional on timing.

Senator BIRMINGHAM: If that were the case, how did this reaction that occurred occur?

Senator Wong: Senator, you have been briefed on this. This is an important relationship for Australia. You are trying to draw the official on what might have led to other people saying certain things. I will just say again in this room that the offer of assistance was always unconditional. When that was clear across the government, the offer was accepted.

Senator BIRMINGHAM: Has the department reflected on this incident and the need to ensure that partner countries are not surprised by publicity that may occur as a result of transparent engagement with the media in Australia?

Ms Peak: We always try to handle our engagement with other countries as sensitively as we can.

Senator BIRMINGHAM: Would it have been better for the Solomon Islands government to have been informed and not surprised that there was suddenly media coverage about this issue? How can we avoid that happening again, in terms of the type of surprise and negative reaction that it generated?

Ms Peak: The Solomon Islands government was informed of our standing offer, and all of the information was conveyed quite comprehensively in advance. The Solomon Islands and Australia have a very longstanding partnership, and the operation of our media would be of no surprise.

Senator BIRMINGHAM: Yes, and I don't think it was the offer itself that generated the negative reaction; it was the publication of it. Surely there is a lesson to be learned there in terms of a no-surprises approach wherever possible.

Ms Adams: I reiterate the really key point that subsequent to that there has been not just engagement but a very successful visit to Australia by Prime Minister Sogavare. The minister had the meeting in the UN with Foreign Minister Manele, and there has been communication since then. The relationship is strong. We don't really see this as an ongoing issue.

Senator Wong: I think I said at the time that I was really quite touched after my General Assembly speech, a few Pacific Island countries came up and—it is not always called a lei, but I can't remember what it's called—

Ms Adams: The garland?

Senator Wong: Yes. And one of them was a Solomon Islands representative. I understand why you are asking this. I think it is in Australia's interest that we do handle, including in this forum, these matters sensitively and appropriately. I've outlined my response and I'm pleased that the offer has been accepted.

Senator BIRMINGHAM: As I've said, I'm pleased too. I'm pleased there have been positive engagements since, but the fact that there have been positive engagements since doesn't mean that there can't be lessons learned from this or that it would not have been better had this incident, and in particular the negative reaction at the time, not occurred. Clearly, it would have been better had it not occurred in the way that it did and with that reaction. I'm sure that it took some work, at least through those engagements, Minister, for you and others to explain and move the conversation on.

While we're on the Solomons, though, let me move the conversation on to support and engagement with the Royal Solomon Islands Police Force. Has the department been engaged with AFP or other agencies in terms of the ongoing support and cooperation, and what's the status of that on a holistic level, noting some of the recent specific individual announcements?

Ms Peak: Thank you for the question. Yes, while the AFP has the primary relationship with the Royal Solomon Islands Police Force, we have, in DFAT, a coordinating role in the Office of the Pacific. We have a very broad security partnership with the Solomon Islands—both broad and longstanding. It traverses everything from climate change and climate security through to policing, and to defence as well. We have a number of Australian Federal Police officers that are in the Solomon Islands, on the ground and under the command of the Royal Solomon Islands Police Force. The engagement is very deep, and we have a suite of activities that I know the Australian Federal Police have explained during their estimates session as well.

Senator BIRMINGHAM: The chair is giving me a wind-up call. In relation to Kiribati, though, I just want to quickly ask two questions. Firstly, what is the status of their membership of the Pacific Islands Forum, and what engagement is Australia having in relation to that? Secondly, what engagement or assistance is Australia providing in relation to some of the well-publicised challenges around the judiciary in Kiribati?

Ms Peak: Thank you for the question. Kiribati—in terms of the Pacific Islands Forum, there is very active outreach, primarily through the Pacific Islands Forum chair, Fiji, as well as the Micronesian Presidents' Summit, which is the Micronesian grouping of which Kiribati is part. The message to Kiribati is that the door to Pacific Islands Forum membership is open. Australia has supported this outreach work, and we certainly support keeping the door open for Kiribati and looking at all avenues so that Kiribati can rejoin the Pacific Islands Forum when they choose to do so. We have a strong view that, in the Pacific Islands Forum, unity will be central to our effectiveness going forward.

Senator Wong: May I add to that, Chair?

CHAIR: Sure.

Senator Wong: I might be able to be more frank. We see the regional architecture as really critical to managing many of the challenges that the region faces at the moment. At the PIF I thought that there was a reasonably pithy summary—I think it was either from Prime Minister Bainimarama or someone else—that talked about the three c's. COVID, climate and contest, I think it was. Smaller nations, in the context of all of those and all that those issues mean, are, we believe, best able to protect their interests and their sovereignty with strong regional frameworks. So the position that Ms Peak just outlined is something that, at the highest levels, we have from the Prime Minister, me and Minister Conroy. We have expressed to other members of the forum that people won't always agree, but having a strong regional body is really important. It was a very conscious decision by me, on advice, after discussion with Mr McDonald, Ms Peak and others, that the first speech I gave on the Pacific was at the Pacific Islands Forum Secretariat. Ultimately, as Ms Peak said, the matter of the membership of the PIF, and returning to the PIF, is a decision for Kiribati and will be worked through in great part through the MPS the Micronesian Presidents' Summit. We stand ready to facilitate and assist that in any way that those nations think is beneficial.

Senator BIRMINGHAM: There was a second part to my question, which went to any assistance Australia is providing or representations around some of the challenges related to the judiciary in Kiribati.

Ms Peak: Yes, Australia has made a number of representations—indeed over a dozen representations—to the Kiribati government, quietly encouraging the Kiribati government to move forward expeditiously to ensure an independent judiciary and to underline our values with respect to the rule of law and an independent judiciary. We have made those face to face—primarily through our high commissioner in Kiribati but also in other venues.

CHAIR: I'll hand the call quickly to Senator Cadell, who has one question, and then to Senator Steele-John.

Senator CADELL: I have a constituent question. They've had family out from Russia, including a male of mobilisation age, who are on a family visit here. Is any consideration being given to, or will you now consider, looking at extension mechanisms for visa holders of military age from Russia so they don't have to return and face mobilisation?

Mr Cannan: Could you please repeat the question?

Senator CADELL: I've had representations from a constituent regarding family members out on a family reunion. They are of military conscription age for Russia and they are concerned that if they go back to Russia they'll be part of the mobilisation. Could we consider or are we considering any mechanism to allow them to stay longer here or an extension so they don't go back and face military mobilisation?

Mr Cannan: I think this would be a matter for the Department of Home Affairs. We can perhaps take that on notice, or certainly liaise with the Department of Home Affairs on that question.

Senator Wong: Can I clarify: are they Russian citizens or Australian permanent residents?

Senator CADELL: No. It was a married partner whose family were visiting on a tourist visa, I think, and they are fearful of returning home.

Senator Wong: So there is a dual national or permanent resident here whom they were visiting?

Senator CADELL: Yes.

CHAIR: Senator Steele-John?

Senator STEELE-JOHN: Is the department aware of the extraordinary allegations that have been made by the Director of Public Prosecutions in Fiji, who has accused the police of trying to inappropriately press him to lay charges against an opposition MP?

Ms Peak: Yes, we are aware of those.

Senator STEELE-JOHN: Does Australia have concerns about the rule of law being eroded in Fiji or about police being used as an instrument to attack the government's political opponents in the lead up to next month's election?

Ms Peak: I would note that matters with respect to charges being brought forward are a matter for the appropriate authorities in Fiji.

Senator STEELE-JOHN: Yes, but, just to clarify, does the department have concerns about the weaponisation of those legal processes against the government's political opponents? We're one month away from the election.

Ms Peak: We're aware that the election in Fiji will be held on 14 December this year, and, as is our longstanding practice, we are supporting the conduct of those elections by providing a suite of electoral assistance. Indeed, at the invitation of the government of Fiji, we will co-lead, with India and Indonesia, a multilateral observer group, as we have done in the past. Through those processes, we're supporting the conduct of Fiji's election.

Senator STEELE-JOHN: Has our high commissioner in Suva raised or attempted to raise any concerns with the government of Fiji about this case or about the contempt-of-court case launched against Mr Richard Naidu, a prominent lawyer linked to the opposition?

Ms Peak: I'm not aware of representations made, but may I take that on notice to confirm?

Senator STEELE-JOHN: You may. Minister, are you aware of the case of Mr Naidu?

Ms Duff: We are aware of a range of aspects around legal processes occurring in Fiji, and we're aware of that matter broadly.

Senator STEELE-JOHN: For the minister's information, you've got somebody who is well respected, very prominent in the Fijian legal system, who's currently facing a contempt-of-court charge for pointing out a spelling error made in a statement by the High Court of Fiji. These kinds of things, in combination with the statement made by the DPP yesterday, build a picture of a quite concerning dynamic ahead of next month's election. Minister, is it your intention to raise concerns with the government of Fiji about either of these instances?

Senator Wong: I'd take advice on those issues. The general principle, obviously, is that Australia supports the application and the observance of the rule of law. I'll leave it at that. I did make the point in the previous statement about different perspectives, different legal systems and different constitutional systems in many of the countries we engage with.

Senator STEELE-JOHN: But do these cases concern you?

Senator Wong: I'd take advice on them. With all due respect, Senator, you put things in a particular way; you're entitled to do that, but I would take advice from the department on these issues.

Senator STEELE-JOHN: So you're unable to say to the committee today that these cases, which your department is aware of, are—

Senator Wong: The thing is that when you sit in this job you speak on behalf of the country. It is a different thing to being a shadow, a backbench senator or an independent senator. If I make an observation about another country, I have to do that after consideration and advice, because it isn't just me putting a view about what I might think; it's the office.

Senator STEELE-JOHN: I will move on to a different topic. Is the department aware of the new legal papers which have been served to Mr Robert Pether this week?

Mr Gerard: Yes, we are certainly aware of the new papers that have been served to Robert Pether, who's detained in Iraq.

Senator STEELE-JOHN: Just to start off, what do we know of the claim that is being made in these papers?

Mr Gerard: We haven't seen those papers ourselves, but in general, with Mr Pether, we have consistently advocated for his rights and welfare in Iraq. Those legal proceedings we are certainly not a party to, but I can say that we are watching his legal proceedings in Iraq very closely. As for all Australians who are detained overseas, we expect due process and fair treatment to be accorded to him.

Senator STEELE-JOHN: It has been reported that the Iraqi government is seeking some US\$50 million from Mr Pether and his co-accused. Are you aware of that?

Mr Gerard: Yes.

Senator STEELE-JOHN: Are you aware of the grounds on which the money is being sought?

Mr Gerard: No. We have been providing consular assistance to Mr Pether and his family since he was first detained in April 2021. It's hard for me to talk about the personal circumstances—

Senator STEELE-JOHN: Of course.

Mr Gerard: without breaching privacy obligations, but we have been providing extensive consular assistance to him. We've visited him in prison on 55 separate occasions. We've made roughly 120 representations to the government of Iraq about his welfare and about his rights.

Senator STEELE-JOHN: And in terms of help, specifically with his legal defence, do any of the forms of assistance that we're providing to him go to that area?

Mr Gerard: Mr Pether has legal representation in Iraq that he has obtained.

Senator STEELE-JOHN: Has the department been communicating with Mr Pether's wife and family?

Mr Gerard: Yes, on a very regular basis. We're in almost daily communication with Mr Pether and his family.

Senator STEELE-JOHN: Beyond the representations that Australia is making to the Iraqi government, are you taking any additional steps to apply the pressure necessary to achieve Mr Pether's release?

Mr Gerard: Certainly with a complex case like this, we do make representations to the government of Iraq at all levels. We are very concerned about his welfare and we are watching his legal proceedings very closely in support of his interests.

Senator STEELE-JOHN: You said you're in almost daily contact with his wife and family. Just to clarify, what form does that contact take?

Mr Gerard: It takes the form of phone calls, emails and text communication through applications on phones.

Senator STEELE-JOHN: And just finally, the co-accused of Mr Pether, one Khaled Radwan, is an Egyptian national as I understand it. Are Australian officials present at the COP27 meeting in Sharm el-Sheikh holding any sideline meetings with Egyptian counterparts to cooperate on the case?

Mr Gerard: Not to my knowledge as part of the COP, but Australian officials are in touch with their Egyptian counterparts, both in Cairo and in Baghdad, on their shared consular interest in this case.

Senator STEELE-JOHN: Absolutely. Alright. Thank you, Mr Gerard.

Senator FAWCETT: Could I speak with somebody about our support to the Pacific and the region in post-COVID recovery, particularly the provision of PPE et cetera. There was an announcement about the response capacity and mobilising PPE and COVID-19 testing supplies for the region in June this year.

Ms Peak: Our COVID response for the Pacific has been significant since the beginning of 2020. We're the largest bilateral supplier of vaccines. We provided wraparound support including medical supplies, testing kits and the like, and we continue to do so for Pacific Island countries that are experiencing COVID outbreaks, including, most recently, Tuvalu. With respect to your specific question around the COVID response package from June, I might ask my colleague Mr Thomson to provide those details.

Senator FAWCETT: Where I'm targeting on this is that I'm trying to get an understanding of the quantity of PPE that we're providing into Pacific and regional nations.

Mr Thomson: I'm just going through my pack to see if I can find recent figures on PPE. I do know that through the course of the pandemic we've provided in the order of 230 tonnes of equipment and supplies into the region, including PPE. I don't seem to have a specific table that sets out precisely the details on the PPE, so I might have to take that on notice.

Senator FAWCETT: I've asked this question previously, particularly after the joint standing committee did a report on the COVID response of the nation and supply chains and sovereign manufacturing. I asked DFAT at the

time where they procured the PPE that they were giving to nations. Could you tell us, in current practice, where DFAT procures the PPE that we donate to regional nations?

Mr Thomson: I would have to take that on notice as well, unless there's another colleague in the room who can assist with that question.

Senator FAWCETT: Somebody is coming to the table, so I'm optimistic.

Mr Davies: Our PPE procurements since early 2020 have been largely undertaken on a commercial basis through DFAT's procurement agent for medical supplies on the open market. They could come from anywhere that offers value for money. Some goods have been provided from Australia's own National Medical Stockpile on occasion, and those goods, too, are procured through separate processes on the open market.

Senator FAWCETT: One of the bipartisan recommendations of the Joint Standing Committee on Foreign Affairs, Defence and Trade, as we witnessed both the Australian industry sector and in fact governments putting millions of dollars into establishing the capability to manufacture PPE here during the COVID crisis, was that if we were to sustain that, as opposed to just letting it atrophy once we got back to a business-as-usual situation, government departments would need to actually purchase PPE from Australian companies. I'm hearing from a range of companies, including Detmold in South Australia, that their products are competitive in terms of pricing and quality yet panel arrangements of government departments have meant that departments are often purchasing PPE from overseas even though the Australian product is competitive on price and quality. Taxpayer money that has gone to establish these national capabilities is at risk of being wasted, and the tens of millions of dollars that in some cases the private sector has put in to respond to government calls are being wasted, because panel arrangements—which existed before COVID, often—are being used rather than national capabilities.

Does DFAT have any discussion with the industry department or the Office of Supply Chain Resilience around aggregation of procurement and demand, in terms of these areas which we have considered to be significant national priorities in the very recent past and which, as we face recurring waves of COVID, we may well find to be significant national priorities again? Is there any discussion between DFAT and Industry and the Office of Supply Chain Resilience around aligning procurement practice?

Mr Davies: Not that I'm aware of. I'll just say two things, though. The panel arrangement that we have for the procurement of medical supplies is not an arrangement with the actual manufacturers; it's an arrangement with a procurement agent. They then go into the market and purchase products at the best available price to maximise value for money, both for the taxpayer and the beneficiary country. So there is no restriction on where they can purchase from. If an Australian manufacturer is, in fact, producing something at a competitive price, there is no barrier to procurement from DFAT for PPE or whatever.

Senator FAWCETT: Except for the fact that, where there are established relationship between agents and suppliers, they tend to be where agents go back to—and there are things called 'contract change proposals', where the arrangement with those providers can put in there that, as long as it is competitive, the preference is for an Australian product because it is a national priority to keep that capability going. The parliament does that. For orders under a certain amount, it has a preference for Indigenous companies. So there are mechanisms that government can put in place that even those agents can procure, to support a government objective. Has DFAT considered making a change to its arrangements with its agents, so that there is an incentive?

Mr Davies: That's outside my department. I'll defer to another person on that, but I'll just say that we are regularly approached by manufacturers of medical supplies or agents for those manufacturers, suggesting that they have a product which is suitable for use in partner countries and competitive in price, and we regularly refer them to our procurement agent. There is no preferred relationship between our procurement agent and particular suppliers. They will buy at the most competitive price, subject to quality arrangements and subject to WHO approval of the product.

Senator FAWCETT: From a value for money perspective, though, if the taxpayer has put millions of dollars into establishing a manufacturing capability, and then we let it atrophy and die out, then if you amortise those millions of dollars, you'd have to buy many tens of millions of N-95 respirators or surgical masks to make that value for money. It seems a very flawed argument to not recognise the capital that the taxpayer has put into creating this national capability. So, Minister, I'll ask you to comment from a government directional perspective. Given that, again, it was a bipartisan report of a parliamentary committee, it's been supported and both sides of politics have talked about the importance of having sovereign manufacturing capability, will the government look to provide a mechanism whereby agents who are supplying the department will give preference—as long as there is value for money—to Australian manufacturers to keep them viable?

Senator Wong: I think one of the things that COVID taught us was the importance of supply chain resilience. Obviously, a country and an economy of our size will can't produce everything, but what we can do is work out what it is we really need to make sure we can produce here or where it is we need to diversify our supply chains. You're raising procurement as one aspect of how you might do that, as in, one aspect—essentially, the industry policy. Senator Gallagher is responsible—I think it's in her portfolio—for the Australian government's buying Australia strategy. It has a different name, but that's conceptually what it is. I think from memory that Mr Husic, in his portfolio—I think that's right; I'll come back to you if I'm wrong—has the relevant office that is intended to do the policy framework for that objective. So I would see that as being where these legitimate policy issues ought to be dealt with. It's much easier said than implemented, and I think you know that from government. That's not a partisan point.

Senator FAWCETT: I do. I've been chasing this issue for about three years.

Senator Wong: I think it's also a different mindset for the country, because we're a pretty globalised economy and I think we've been accustomed to being part of global supply chains that we have assumed will be both efficient and reliable. I think what we saw in COVID was the effect of that sort of external shock on our capacity to obtain certain things. I actually think this is, as you said, a bipartisan objective. It's not always easy to work out how you implement that, because you can't do everything, so there has to be a judgement about which capabilities in the economy you actually develop.

Senator FAWCETT: Sure. I understand that and I will certainly raise it with Minister Husic.

Senator Wong: Yes, he's very passionate about this. I'd really encourage you to talk to him.

Senator FAWCETT: But the issue, Minister, is that, even if you have—

Senator Wong: You're saying, 'As part of that, can we do this?' Right?

Senator FAWCETT: What I'm saying is that, even if you have a central policy in Prime Minister and Cabinet or an industry portfolio, each individual department is essentially an independent actor when it comes to their procurement. Unless the departments make a deliberate, conscious decision to engage with that central policy, each department will continue to do its own thing and the central policy will fail. Secretary, have you or will you engage with your counterpart in the industry department to understand the sovereign manufacturing policy initiatives of the government and the priorities, and see what is possible to align your procurement policies—and engage with Health and other people who buy PPE, just as one example, because we do do it and we do it well, and it's affordable and good quality—so that we actually, on a bipartisan basis, achieve this national objective?

Ms Adams: Senator, I'm happy to say here that I will have some further conversations about this. But I reiterate that, on the specific issue that you started the questioning on, it is not procurement policy as such, because I think, as Mr Davies explained, it's the procurer; it is not a DFAT procurement at first length. However, I really understand the issues that you've raised. As the minister said, the investments that we've made nationally for supply chain resilience are important ones. I understand the point that you're making about backing that in through our procurement policies. We are a recipient of procurement policy and we operate therein, but I'm happy to give you that undertaking that I'll have some further conversations.

Senator FAWCETT: Thank you, Secretary. My only observation would be that you're right; there's another party who perhaps actually goes into the market to procure. But that's on the basis of an agreement that the Commonwealth—in this case DFAT—has struck with that agent, whether it's through a panel or directly. That agreement can be shaped such that the buyer understands that there are certain objectives they should meet. Value for money is certainly one, but also supporting a sovereign supply chain can be part of that agreement. So there is an element of control that DFAT, as an agent of the Commonwealth under your Accountable Authority Instructions, can exercise. Thanks, Chair.

CHAIR: You're welcome, Senator Fawcett. Senator Paterson.

Senator PATERSON: Thank you, Chair. Just three quick issues. Firstly, Ms Adams, is there an official residence owned or operated by DFAT in Berlin?

Ms Adams: Yes.

Senator PATERSON: Is it currently occupied?

Ms Adams: Yes, to my knowledge.

Ms Pitson: Yes, DFAT does own an official residence in Berlin, and, yes, it is occupied.

Senator PATERSON: Are there any other residences that DFAT is paying for in Berlin in addition to the official residence?

Ms Pitson: DFAT has both owned and leased residences in Berlin.

Senator PATERSON: How many?

Ms Pitson: I'd have to take that on notice, if I can do that.

Senator PATERSON: Okay. Is the ambassador currently using the official residence or another residence?

Ms Pitson: The ambassador is using another residence.

Senator PATERSON: Right. Why is the ambassador not using the official residence?

Ms Pitson: There were particular circumstances that made it appropriate to allow the ambassador to use a different residence.

Senator PATERSON: What were those circumstances?

Ms Pitson: They were personal circumstances.

Senator PATERSON: Right. I wouldn't want you to disclose anything private to an individual here, but I do just want to understand, in broad terms, why the official residence is not appropriate.

Ms Pitson: The circumstances are personal circumstances.

Senator PATERSON: Alright. I won't press too much further; I sense the sensitivity there. Perhaps you could just provide on notice when the lease was entered into, what the cost of the lease is, and when the lease is scheduled to end.

Ms Pitson: Yes, Senator.

Senator PATERSON: Thank you. Moving onto a second topic, I'd like to ask about the Foreign Arrangements Scheme, if any relevant officials can come forward. While they're doing that, I just want to place on the public record my appreciation, Minister, that your office arranged for a briefing on this topic. I'll be sensitive in asking my questions, given the nature of the briefing. How many agreements between state governments and foreign entities have been registered?

Mr Walter: At the risk of baffling you with statistics, I'll give you a couple of numbers here. This is from early November: we have been informed—I'm going to use that word specifically—of approximately 12,677 arrangements.

Senator PATERSON: That's total, I presume, not just state government?

Mr Walter: That's total, yes. My apologies. Just to stick at that high level for a moment, about a quarter of them are not in scope of the scheme—mainly university arrangements.

Senator PATERSON: Just to clarify before you move on, universities have put forward agreements that they think might fall in scope, but it's been determined that they're not, in fact, in scope.

Mr Walter: That's correct.

Senator PATERSON: Because, I presume, of the characteristics of the foreign entity that they had the arrangement with, it doesn't fit the definition in the act, or—

Mr Walter: Yes. It's predominantly because, as I think you're aware, the university arrangements only need to be registered in relation to foreign universities that do not enjoy institutional autonomy. So particularly for arrangements that were notified early in the scheme, universities did it out of an abundance of caution, so we got a large number at that time. In terms of ones from states and territories, it's 583 arrangements.

Senator PATERSON: Thank you. How many from local councils?

Mr Walter: It's about four per cent of arrangements, but I can't see the actual number. I'll have to take that on notice. I apologise; I should have that number.

Senator PATERSON: Okay, four per cent.

Mr Walter: It's a smaller number than the states and territories. From memory, it's about 160 or something like that.

Senator PATERSON: 160-odd? Thank you, that's fine for our purposes, but on notice it'd be great to have the full details. And then the balance is universities.

Mr Walter: That's right.

Senator PATERSON: How many do fall in the scope of the scheme?

Mr Walter: So there's a kind of mixture in here, but it's a little over 8,000 there.

Senator PATERSON: There are 8,000 that are within scope? Yes. So we obviously know that, within the state government category, the previous minister exercised her powers under the act to cancel four agreements?

Mr Walter: Yes.

Senator PATERSON: Other than those four, has DFAT provided advice to the minister about any others which are in the state and territory category which would merit consideration for cancellation?

Mr Walter: I'll correct the record if this is wrong, but I believe the answer is no.

Senator PATERSON: Has DFAT provided any advice to the minister about any in the local council category which should be considered for cancellation?

Mr Walter: Again, I'll correct the record, but I believe no.

Senator PATERSON: I think the minister also has the power to vary an agreement, under the act.

Mr Walter: The minister may vary an arrangement and can also make a decision that the arrangement be terminated at some point in the future.

Senator PATERSON: For the purposes of the questions on notice, could you please include any statistics about schemes which should be varied as well as those which should be cancelled, including being cancelled in the future? And then in relation to—

Senator Wong: Decisions?

Senator PATERSON: Advice.

Senator Wong: I'll take that on notice. That's a degree of specificity, on advice. I'm happy to be helpful, but it's a degree of specificity that we might want to consider.

Senator PATERSON: For clarity, and perhaps this will assist, I'm not saying agreement XYZ, just the number. Were there four agreements or five agreements?

Senator Wong: That may not be your intention, but that may be the consequence.

Senator PATERSON: Given there's a very large category—

Senator Wong: Let's just work out what we can give you, and, if we can't give it to you on notice, it might be better to have a discussion.

Senator PATERSON: Thank you. The same question for university agreements: how many has the department put forward for advice for cancellation or variation with the minister?

Senator Wong: Can I just be clear, though? The denominator is different, isn't it? What might come to me for advice—or to the minister—there would be, obviously, a larger number that had been considered.

Senator PATERSON: Yes. To be completely transparent about my intentions, I'm just trying to get a sense of how many—

Senator Wong: How's it working?

Senator PATERSON: Yes, exactly. How is it working in practice? How many are being flagged in some way, for some level of scrutiny? How many are being red-flagged? I'm just trying to get a picture.

Senator Wong: I understand. Leave that with us.

Senator PATERSON: Thank you, I'm grateful for that. Obviously, there were two schemes or two categories of schemes that the Parliamentary Joint Committee on Intelligence and Security made specific recommendations about. In education and employment estimates today, the department confirmed there was a whole-of-government response to the PJCIS report which is forthcoming. I just want to confirm that DFAT has been involved in preparing the whole-of-government response to the PJCIS report.

Mr Walter: Yes, we have.

Senator PATERSON: I'm going to try but I imagine you won't be able to say: how far away do you think that report is?

Mr Walter: I really can't say. The Department of Home Affairs is leading that response. It's a matter for them and the Minister of Home Affairs to seek agreement from the foreign minister.

Senator PATERSON: Minister, can you shed any further light on the timing?

Senator Wong: I can't add to that answer.

Senator PATERSON: I might ask some further questions about specifics once the government's response to that report has been tabled.

Senator Wong: Are you still a member of that committee?

Senator PATERSON: I am, yes.

Senator Wong: But not deputy chair.

Senator PATERSON: No. I'll move on to a third topic, then that's it from me, Chair. In a press release on 7 April, issued by you, Senator Wong, in conjunction with the then Leader of the Opposition, Mr Anthony Albanese, you called on the Morrison government to expel Russian diplomats. In that media release, you said:

It is hard to conceive how the decision can be made to allow these individuals to stay, given the sickening abuses being carried out by Russian forces.

Could I just clarify: since your election to government six months ago, have any Russian diplomats been expelled?

Ms Adams: Senator, I think you've been briefed on these.

Senator PATERSON: I have not. Others might have been, but I have not.

Senator Wong: Can I encourage you to speak to your colleague on this?

Senator PATERSON: I'm very happy to do so. But I also think, given in your capacity as a shadow minister for foreign affairs you made public statements calling on the government to do such things, and there is genuine and sincere public interest in these matters, to the extent that you're able, questions should be able to be put and answers should be able to be given. You can say that there are—

Senator Wong: We will take this on notice.

Senator PATERSON: There might well be a good reason you can't answer, and I will accept that.

Senator Wong: We'll take this on notice.

Senator PATERSON: Okay. Could you also take on notice any consideration of future expulsions?

Senator Wong: Also.

Ms Adams: It's hard to take on notice future considerations.

Senator PATERSON: Well, let me rephrase it for you. Is the government currently considering expelling Russian diplomats?

Ms Adams: We can take it on notice, but you will understand, Senator, that there are real limitations on the level of detailed information in this area that we're going to be able to put on the public record, and that in fact other government agencies are involved in these issues.

Senator PATERSON: And I trust that you'll answer the questions in a perfectly appropriate way, having the time to consider them on notice.

Ms Adams: Indeed.

Senator PATERSON: But I do think it is important, given that public calls have been made when you were in opposition to us when we were in government, that questions be asked about these matters.

Senator Wong: Sure. We've taken them on notice.

Senator PATERSON: Okay, thank you. Thanks, Chair.

CHAIR: You're most welcome, Senator. Senator Birmingham.

Senator BIRMINGHAM: Thanks, Chair. I want to touch on some consular issues if I can, please. I think we've dealt with a couple on the way through today. I again acknowledge, as Senator Wong did on the record from this seat in opposition—and thank you for the briefings provided on consular matters—that I appreciate that there are some things that can be said and some things that can't be said. Consistent with past practice, I just want to ensure we get some updates so far as they can be provided on the public record. So can we start firstly, please, with Cheng Lei? Are you able to provide an update to the committee in relation to her circumstances?

Mr Gerard: It's been more than two years since Australian citizen Cheng Lei was detained in China. We have been providing consular assistance to her and advocating for her rights and interests and welfare since that time, and providing consular support to her family. In March this year, a trial was held, and Ms Cheng is awaiting the outcome of that trial.

Senator BIRMINGHAM: Has any headway been made in securing contact for Ms Cheng with her family and, in particular, her children?

Mr Gerard: Ms Cheng has not had any contact with her family since she was detained, but we do continue to advocate with Chinese authorities for her interests.

Senator BIRMINGHAM: I note that the Chinese ambassador to Australia told 7.30 on 6 September: I've been trying to see if I can be help, as ambassador, to facilitate a possible, much easier access, either between her and her relatives—

Are we aware if the ambassador has made such representations and if he has been able to provide any update in relation to efforts there?

Mr Gerard: No, but, as I said earlier, we continue to advocate on Ms Cheng's behalf for her to speak with her family.

Ms Adams: Senator, could I add that of course while we can't speak on behalf of Ambassador Xiao and what he's done within his own system, the Australian Embassy in Beijing is very focused on these issues, and in fact, Minister Wong herself has raised that precise point directly. So we place high importance on the family contact issue, as well as, of course, wishing to see the finalisation of those legal processes and her return to Australia as soon as possible.

Senator BIRMINGHAM: Thank you, Secretary, and I am sure that all Australians would be joining you and wishing you and all of our diplomats well in their efforts to try to secure progress in relation to access to her children and communication, as well as, of course, progress on the legal matters. Is there any time line that the department is aware of in relation to a verdict and next steps in her case?

Mr Gerard: Yes. The latest deadline that we have for a verdict in her case to be delivered is 19 January 2023.

Senator BIRMINGHAM: When you say 'the latest deadline', that is because there have been prior deadlines that have been passed—

Mr Gerard: That's right. Under Chinese law, deadlines can be delayed on an indefinite basis, and there have been delays since March earlier this year. That's why we continue to call for due process in this case—transparency and fair treatment in accordance with international norms.

Senator BIRMINGHAM: Is there any basis to have confidence in relation to the next deadline, or from our knowledge is it just another deadline that comes in those three-month windows?

Mr Gerard: This is the information we've been provided by Chinese authorities.

Senator BIRMINGHAM: And in terms of consular access to Ms Cheng?

Mr Gerard: Yes, under our bilateral consular agreement with China, we are provided monthly access and we've visited Ms Cheng on 25 separate occasions.

Senator BIRMINGHAM: And that access is still ongoing and unimpeded?

Mr Gerard: China has generally upheld monthly access, but there have been some postponements over the course of the last few years due to COVID-19 measures—most recently, in October and earlier this year in May. When that happens, we do make representations, both here in Canberra and in Beijing, and convey our concerns and our rights to access under the bilateral consular agreement.

Senator BIRMINGHAM: Can I ask now about Dr Yang?

Mr Gerard: Yes. We've been providing Dr Yang with consular assistance since January 2019, and advocating for his interests and wellbeing since that time. Like Cheng Lei, we also call for basic standards of justice, procedural fairness and humane treatment in accordance with international norms in his case. His trial was held in May last year and he, too, is still awaiting a verdict.

Senator BIRMINGHAM: Is that working to the same time line as Cheng Lei in terms of potential dates?

Mr Gerard: The latest date we've been provided for a verdict for Dr Yang is 9 July 2023.

Senator BIRMINGHAM: And in relation to access and his health?

Mr Gerard: It's difficult for me to go into his health because of privacy concerns, but we have visited Dr Yang in prison on 35 separate occasions. We, too, had our visit postponed in October due to COVID-19 measures, and we made representations at the same time as we did for Cheng Lei on that case.

Senator BIRMINGHAM: Mr Gerard, you did, last estimates, indicate that there were concerns about his health. I don't wish to go beyond the realms of what is respectful, but is he receiving treatment or assistance for anything that is required, to consular satisfaction?

Mr Gerard: We have no pressing concerns for his health, and we, from time to time, seek an assurance from Chinese authorities that he can access the medical treatment that he needs.

Senator BIRMINGHAM: Lastly, I think, in terms of those in China that I wanted to ask about, is Karm Gillespie. What is the status of Mr Gillespie?

Mr Gerard: Yes, we have been providing consular assistance to Mr Gilespie and his family since he was detained in 2014. We continue to visit him in prison and we coordinate with his family here in Australia.

Senator BIRMINGHAM: What is the status of his case, Mr Gerard?

Mr Gerard: Mr Gilespie had a hearing in July 2020. That was adjourned, and we are waiting for a date to be set. I think we continue to press for his rights and welfare and make the same claims for fair treatment and due process in accordance with international norms for him, like we do with all Australians overseas.

Senator BIRMINGHAM: I'll go to Professor Turnell. As has been publicised, he was recently sentenced; is that correct?

Mr Gerard: That's correct. On 29 September, Professor Turnell was convicted and sentenced under the Official Secrets Act and related immigration offences and given three years concurrently for each. That occurred in a closed court. A charge d'affaires did attempt to obtain access to that court but was denied. Since that date, we have continued to make clear to the regime our view that his detention is not acceptable. He should be released and deported as soon as possible so he can return to his family.

Senator BIRMINGHAM: Does his conviction and sentencing change the circumstances of his detention at all?

Mr Gerard: Senator, I'm not sure what you—

Senator BIRMINGHAM: Has he moved prisons?

Mr Gerard: It's difficult for me to not breach his privacy by giving you details about the location for Professor Turnell, I'm sorry.

Senator BIRMINGHAM: It's okay, Mr Gerard.

Mr Gerard: It's not normally something we talk about publicly, about locations of—

Senator BIRMINGHAM: Going from case pending to conviction may sometimes entail going into a prison of more concerning standards or those sorts of matters. I can pursue that next time we have a briefing, although I hope for his release before then. But perhaps we can just turn to his welfare, then.

Mr Gerard: We hold ongoing concerns for his welfare in Myanmar. We do provide extensive support to his family as well, and we do hope that he can be returned to them as soon as possible. It's certainly the outcome we're working towards.

Senator BIRMINGHAM: The secretary earlier touched on cases with China in terms of the advocacy at ministerial level, as well as at departmental and official level. Is there anything in relation to Professor Turnell's circumstances that you would wish to update the committee on, around advocacy and efforts of the government?

Ms Adams: I would just say that we look at every opportunity, including with other international partners who may have some avenues of communication that might be helpful. Of course we aren't able to go into details about that, but we take every opportunity.

Senator Wong: Ms Chan.

Ms Chan: We do. Bilaterally and also in multilateral forums, we've made 240 representations about his case since he was detained on 6 February last year.

Senator BIRMINGHAM: I think Senator Steele-John covered matters in relation to Mr Pether in Iraq. Can I ask about Mr Chau Kham in Vietnam and the status of his case, please?

Mr Gerard: Yes. We have been providing consular assistance to Mr Karm and his family since he was detained in January 2019. That takes the form of regular prison visits to him; we speak to his family on a regular basis; and we continue to advocate for his welfare with Vietnamese authorities. We've made 71 representations to Vietnam since he was detained. The most recent one was earlier this month.

Senator BIRMINGHAM: Given his age, I imagine his wellbeing would be a particular matter of concern or at least attention. What is the status of his wellbeing and welfare?

Mr Gerard: I have the same privacy constraints, but we have no pressing concerns for his health. However, he is in his seventies and facing a lengthy prison sentence in Vietnam, so we do continue to make representations for his welfare.

Senator BIRMINGHAM: Minister, did you raise his case during your visit to Vietnam?

Senator Wong: I'll take that question on notice.

Senator BIRMINGHAM: Of course, the well-publicised Mr Assange has already been covered as well.

Senator FAWCETT: Can any update on Dr Ken Elliott be given?

Ms Logan: Yes. I can tell you that the government continues to pursue Dr Elliott's release. That includes working closely with other governments, which have people detained in a similar way, to try to resolve his case. We continue to support Dr Elliott's family with consular support. I note that his family have requested privacy, so there's not a lot more I can say other than to say that we continue to pursue his release.

Senator BIRMINGHAM: Can I go to appointments, then? How many posts are currently vacant, awaiting a new high commissioner or ambassador to take them up?

Ms Adams: I'm not sure that I have a number in my head.

Senator BIRMINGHAM: Do you have a list instead?

Ms Adams: I've got lots of lists! We wouldn't have any vacant, as such; we would have a charge d'affaires in all cases.

Senator BIRMINGHAM: Of course, but you understand the question that I'm asking there. Yes, a charge will fill the role in the absence of an appointment, but I'm just seeking to ascertain how many actual appointments are pending and how many posts have been left unfilled for a period of time.

Ms Adams: I'll take it on notice. We have, of course, set-term appointments which can be extended. We're always in the process of appointing a certain number of heads of mission. It doesn't mean that they're vacant.

Senator BIRMINGHAM: Let me turn to one that is vacant. The government announced that Mr Smith would fill the High Commissioner's position in the UK on 30 September, and I acknowledge his skills and attributes to fill that position, and I did so publicly at the time. However, that post has been vacant in terms of the permanent high commissioner for quite some time. Indeed, it was at the end of April that Mr Brandis finished his tenure as High Commissioner.

Senator Wong: The second tenure.

Ms Adams: I think that's right.

Senator BIRMINGHAM: Why did it take so long to announce an appointment? I will let that question stand first, Minister.

Ms Adams: I am not sure that it was that long.

Senator Wong: I'm not sure that I accept the premise of the question. There are plenty of appointments which have taken longer than that. We were elected in May and I think the announcement was in October. Just in relation to your earlier question, too, Ms Adams has an explanation to give.

Ms Adams: Of course, it's not just a question of government making a decision, it is a question of formal processes, which include ExCo agreement in our country and agreement in the host country. So, sometimes the timelines aren't, of course, in our own control.

Senator Wong: This is more in relation to your earlier question. So, there might be people for whom we've made a decision, but as yet we have not made public because they're still going through the process.

Senator BIRMINGHAM: I understand those process considerations, but it's a particularly critical time with the UK; as we've worked through AUKUS, obviously it's been a challenging time politically there as well. The previous government did not seek to make an appointment prior to the election, and I'm sure that you would have welcomed that, Minister. As there was not an appointment, which you then may have wished to reconsider, thrust upon a new government but an opportunity for you to fill it, wouldn't it have been better to get it filled faster than to have somebody who, due to his work on the DSR, is now unable to take the post until later, and perhaps you can tell me when?

Ms Adams: I was going to take the opportunity to say that we have a very experienced acting High Commissioner, Lynette Wood, who has previously served as Ambassador to Germany and performed many roles in government in Australia and overseas, so our relationship with the UK has been handled very well in this period. You may have seen acting High Commissioner Wood participating, as appropriate, in the ceremonies to do with the passing of Queen Elizabeth and the ceremonies around—I want to use the right words—

Senator BIRMINGHAM: The ascension, I think.

Ms Adams: The ascension—thank you—to the throne by King Charles.

Senator Wong: Is that really the verb?

Ms Adams: I think so.

Senator BIRMINGHAM: We can get Senator Smith in to check, if you'd like.

Ms Adams: Yes, I wanted to use the right word. I'm getting tired.

Senator Wong: I'm sorry. I just wasn't sure that was the case.

Ms Adams: I just really make the case that we have been participating fully in the bilateral relationship, as you'd expect, during the period of Lynette Wood's acting term.

Senator BIRMINGHAM: Of course, Ms Adams, and I'm not, in asking the question, seeking to make any reflection at all on Ms Wood. I'm sure that she is doing a very good job. However, we seek to have high commissioners and ambassadors in place. They carry the title. They are able to, of course, develop relationships, and those relationships become important, as well as the local knowledge and the like. So, when will Mr Smith take up his post?

Ms Adams: I think it was included in the announcement, but I just need to check whether it's in the public—

Senator BIRMINGHAM: The announcement only says 'early 2023'.

Ms Adams: That's when it will be, I'm sure.

Senator BIRMINGHAM: The DSR isn't due for completion until March, is it? I am looking to Senator Fawcett to clarify, if you can't, Minister. The DSR, is it March?

Senator FAWCETT: Yes.

Senator BIRMINGHAM: Yes.

Senator Wong: Let me come back to you and see whether I can give you more information, without going to all the ins and outs of the DSR.

Senator BIRMINGHAM: Yes. You would be—

Senator Wong: Notwithstanding Mr Brandis and I having a fairly lengthy history of engagement—combat, some might say—I appreciated his comments about Mr Smith because I think he has understood one of the reasons for the government being keen to have Mr Smith. Given the timing, as you've pointed out, and the AUKUS arrangements or partnership, that combination of both defence and foreign affairs history and knowledge that he has, as well as his political position, is a very important mix of skills for that job at this time.

Senator BIRMINGHAM: Indeed. As I've said and I acknowledged at the time, he brings very good skills, and note that it's the timing in the delay that we are seeking to question—

Senator Wong: Sure.

Senator BIRMINGHAM: and the reasons for that delay. Did anybody else decline the role before you offered it to Mr Smith?

Senator Wong: This is one of those questions where, no matter what I say, I get caught, don't I? If I decline to answer—which is the right thing to do, because I shouldn't be putting into this context anything—then you can infer something from that which might not be fair. But I'm going to say that I was very focused on Mr Smith as the right appointment.

Senator BIRMINGHAM: It's tempting to press, Senator Wong, but I know that you will dig into a hole, if I press, rather than actually relent on that. But you are right; you didn't answer the question. Again, I stress, depending on who anybody else was, I may well find myself saying that you should have gone to Mr Smith in the first place.

Senator Wong: 'I don't think you should make an assumption that we didn't', is what I'm trying to say, but I don't want to get into this exchange about every appointment. I think he is the best choice, for the reasons that I've outlined.

Senator BIRMINGHAM: Ambassador Sinodinos will conclude his term in February 2023, according to your announcement. Will there be a replacement in place for a smooth transition from Ambassador Sinodinos to a new ambassador?

Ms Adams: I will not be able to answer that question until government makes an appointment decision.

Senator BIRMINGHAM: Senator Wong, has the government made an appointment decision?

Senator Wong: I'm not going to announce anything in estimates.

Senator BIRMINGHAM: I wasn't asking you for the name yet. Again, I'm trying to go to the question of timing here, Senator Wong. Are we going to have another gap in relation to our representation in Washington?

Senator Wong: This is a decision for government, and an announcement will be made in due course.

Senator BIRMINGHAM: Are we going to have another gap this time in Washington?

Senator Wong: That's a hypothetical. I'm not going to respond to that.

Senator BIRMINGHAM: It is within your powers, Minister.

Senator Wong: Thank you.

Senator BIRMINGHAM: That is why I'm asking you and why I would like an answer, Senator Wong.

Senator Wong: And I've answered.

Senator BIRMINGHAM: No, you haven't.

Senator Wong: Yes. I have given you the answer that I'm going to give you.

Senator BIRMINGHAM: Minister, do you accept that it's important that we have these appointments filled in a timely way?

Senator Wong: I think the country always needs to be represented appropriately, and the government's judgement was that Mr Smith was the person most qualified for the role; and you've heard Ms Adam's response in relation to Ms Wood, who is a very highly experienced deputy.

Senator BIRMINGHAM: Minister Wong, you've made a decision in relation to the timing with Ambassador Sinodinos. I don't know whether there was a conversation about an extension or not, but you've announced that he is departing in February. Surely you would be trying to work to have a replacement in place by March?

Senator Wong: These are decisions of government. I'm not going to give you a time line in estimates, Senator Birmingham, and you wouldn't expect me to.

Senator BIRMINGHAM: I would have thought you would want to give reassurance, Minister, across the timing of these appointments—

Senator Wong: All of us know the importance of the relationship with the United States. It's a matter I'm well seized of and so are you.

Senator BIRMINGHAM: We are, and that is why it is important to have an ambassador in place. I would have thought you would be eager to give that commitment. I wouldn't have expected you to give me a name today—I appreciate that—but I would have thought you would be eager to give a commitment. What about Tokyo? Since you left, Ms Adams, where are we at in terms of a replacement for Tokyo?

Ms Adams: That's also a process that's a matter for government and will be announced at the appropriate time.

Senator BIRMINGHAM: I appreciate, of course, that vacancy was one caused by your appointment, which we congratulated you on at the start of the day, and that, therefore, made a period of having somebody acting inevitable, given the appointment, but the clock is ticking now. When did you leave Tokyo, Ms Adams?

Ms Adams: At the end of June.

Senator BIRMINGHAM: Time flies.

Ms Adams: Yes.

Senator BIRMINGHAM: So, Minister, how quickly can we expect to have an announcement made in relation to an appointment to Tokyo?

Ms Adams: Senator, I'll just reiterate what I said before about the timelines of these processes not being completely within the Australian government's control. We'll make an announcement as soon as we can.

Senator BIRMINGHAM: Let's go to India. Again, Mr O'Farrell, you've announced, will conclude as High Commissioner in February 2023, which is at the same time as Ambassador Sinodinos will conclude; is that correct?

Ms Adams: That's correct. That was always the term.

Senator BIRMINGHAM: That was always the term. So, with that in mind, can we get a commitment as to whether that post will be filled or whether it will also have a gap following Mr O'Farrell concluding?

Senator Wong: I understand what you're trying to do. I understand the importance of Australia being appropriately represented. You're making a set of assumptions, many of which are not correct. There are options for government; they may include the person in place continuing for a period of time or they may include acting arrangements. We're very conscious of these across all our posts, some of which weren't filled when I came to this role. But also, in particular, you've identified, I think, the UK and then, obviously, the Quad countries, which are important for Australia. So we do understand that, and I can assure you that we're very mindful of ensuring that we have not just continuity but the best people for the job.

Senator BIRMINGHAM: Which we should seek to have, indeed, Senator Wong. But you have chosen to publicly announce, in terms of their conclusion, Mr Sinodinos, Mr O'Farrell and Mr Hodgman, all in February of

next year. It's now getting close to the middle of November of this year, so I am conscious that there is usually a number of steps and delays in that regard.

Senator Wong: I'm very glad that you're very focused on appointments.

Senator BIRMINGHAM: You used to ask these questions too, Senator, and you asked them about posts that were held vacant too in the past. So let's again seek here, even if we're not being terribly successful through these Estimates, to see whether you're holding yourself to the types of standards that you argued for when you were on this side of the table. In none of these posts are you going to provide a firm commitment in relation to there being a smooth transfer at the time of departure?

Senator Wong: Hang on. What I'm not going to do is give you details of how we will manage continuity before those decisions are made and announced; that's what I'm not going to do. So you can put a political proposition to me, as you just did. I don't agree with it; it's your political proposition. I'm saying that the government will make decisions in an orderly way. We'll make decisions on the basis of who we consider the best person for the job, and we will announce them when we are in a position to announce them.

Senator BIRMINGHAM: So, even though you've announced the end dates in these cases, is extension a possibility that you keep open, Minister? You mentioned that as one of the circumstances before.

Senator Wong: Are you trying to negotiate the extensions? I'm interested in the priorities of the coalition when it comes to foreign policy.

Senator BIRMINGHAM: I was surprised that you mentioned it.

Senator Wong: I've always known that deployments were very high on the list. Ms Adams, I think was about to—

Senator BIRMINGHAM: I was surprised that you mentioned 'extension' as one of the means to manage circumstances.

Senator Wong: But there have been people who have been extended.

Ms Adams: Look, I think the processes will continue as normal. I don't really have anything further to add, except to say that we will always ensure that we have senior-level people managing these key relationships. So, I can certainly give you that guarantee.

Senator BIRMINGHAM: Can I quickly get the Passport Office back? Compared with pre-COVID trends, how many more applications for passports have been priority applications; do you have an assessment of the rate of increase there?

Ms Brill: I'm sorry. Would you mind repeating the question, please.

Senator BIRMINGHAM: Compared with pre-COVID trends, what's been the increase in applications that are priority applications?

Ms Brill: Around seven to eight per cent pre-COVID made up our priority applications. It's now sitting at around 18 to 20 per cent.

Senator BIRMINGHAM: It's now sitting at around 18 to 20 per cent of those coming in. Perhaps, on notice, you can let me know what that means in terms of increased fees and revenue. Are you seeing it slow down as times improve? Given that the message has perhaps not filtered through to the community yet and people are still worried, it could be that they are not yet returning to normal in terms of those priority applications. Is the trend coming off or is it still high?

Ms Brill: We've seen a slight reduction in demand in only the last couple of weeks, and we are certainly in a much better position now since putting on around 1,000 staff since June. So, our work in progress is what we'd call 'at steady-state'. We would still be communicating with Australians that, if they're travelling imminently, have not renewed their passport and are unable to allow at least six weeks, they should be looking at a priority-processing application.

Senator BIRMINGHAM: What rate of new passport applications for children are being met on time?

Ms Brill: Just a minute; I've got that figure. I think we may have provided advice earlier, and there has been some improvement. However, generally, our child applications have lagged over the six-week period and they're closer to eight weeks, so that's around 42 days. But let me just check that I've got that exactly right. Up until 1 September, 42 per cent of routine applications had been processed within six weeks. We are now currently sitting at around eight weeks for child applications.

Senator BIRMINGHAM: Can anything be done specifically to speed up child applications?

Ms Brill: Child applications have a couple of challenges for us. Under our legislation and the family legislation, we have to monitor closely parental consent. We need consent from both parents. In fact, parental consent is one of our biggest fraud issues in passports. So we have to check that we've got the consent of both parents and that consent is right, and that does cause delays. There are things that we are doing at the moment in the policy space to address and, hopefully, speed up the child application process. For example, at the moment we are considering applying, with both parents' consent, enduring consent, noting that each five years you have to apply for a new child passport where the parents want to provide enduring consent for the out-years. So, there are things that we are looking at. We also have a challenge around the system. Our child applications go through a separate system that is not as streamlined as our adult applications. So, they're the challenges that we have and we're certainly looking to address them. We obviously regret the delays that we've seen in child applications and the anxiety and stress that's caused parents.

Senator BIRMINGHAM: Why have the performance rates that you've quoted today been recorded against a six-week period rather than the published standard of the Passport Office of 10 days?

Ms Brill: We reported, in the annual report, our PBS standard of 10 days; that was reported officially in the annual report. We've been talking about six weeks because, once the border opened in November, we sent very deliberate messages to the Australian public that, instead of allowing—we used to say—three weeks, they should allow up to six weeks. Working with Assistant Minister Watts in June, as the surge and the increase in applications continued to rise, we put out further messaging to allow at least six weeks. So, we've been measuring ourselves against that six-week time frame that we have been sending to the public; but obviously we reported in the annual report against our PBS targets, which are 10 days.

Senator BIRMINGHAM: I'll do further questions on that on notice. Minister Wong, can I just ask you quickly whether you're aware of the letter dated 11 July 2022, signed by, amongst others, Dr Kylie Moore-Gilbert, proposing consideration of a different model or approach in relation to detention cases?

Senator Wong: Yes, I am, and I've engaged with some of those who wrote the letter. I'll ask Ms Logan to respond.

Ms Logan: That's right. We are talking to Dr Moore-Gilbert and some other former consular clients about how we manage high-profile and complex consular cases so that we make sure that we're modelling best practice.

Senator BIRMINGHAM: So, there is engagement happening there between the department and Dr Moore-Gilbert. Minister, have you spoken recently with Dr Moore-Gilbert?

Senator Wong: Yes. The engagement is an outcome of the meeting that I had with Dr Moore-Gilbert and others.

Senator BIRMINGHAM: When was that meeting? Recently?

Ms Logan: In October. I can check the date.

Senator BIRMINGHAM: Thank you.

CHAIR: We've got 15 seconds left, Senator Birmingham, and counting. Before we break for dinner, Secretary, do you need to table something?

Ms Adams: Thank you, Chair. Given the time, I won't take your time now; we'll do it subsequently.

CHAIR: Afterwards?

Ms Adams: Yes.

CHAIR: Thank you. We'll now suspend for dinner.

Proceedings suspended from 18:00 to 19:05

CHAIR: Good evening, everyone. We will now move to the trade programs within the Department of Foreign Affairs and Trade. I welcome Senator the Hon. Don Farrell, who is the Minister for Trade and Tourism. Welcome, Minister.

Senator Farrell: Thank you, Chair.

CHAIR: Welcome as well to the associate secretary. Do either of you have an opening statement that you'd like to make?

Senator Farrell: I do have an opening statement.

CHAIR: Thank you. Please proceed.

Senator Farrell: After a decade of coalition government, Australia is more dependent than ever on a single market for our exports. Placing all your trade eggs in one basket has proven to be a bad economic strategy. The

COVID-19 global pandemic and supply chain volatility, which have been exacerbated by Russia's illegal invasion of Ukraine and Chinese trade blockages, have exposed the growing risk for Australian exporters, jobs and prosperity. With the Albanese government at the helm, Australia is charting a new economic course, which is responsible, more resilient and sustainable. Diversifying Australia's trade and investment ties will make us economically stronger. The coalition government dropped the ball by failing to conclude parliamentary processes to enable entry into force of the Australia-UK Free Trade Agreement and the Australia-India Economic Cooperation and Trade Agreement. Unlike the previous government, the Albanese government is working hard to conclude all treaty and legislative processes to enable implementation of the UK and India trade agreements this year. Given that the trade deals are familiar to the coalition, we're hopeful of having unanimous support from the opposition benches in both chambers for the expeditious passage of the relevant legislation.

Despite many years of negotiations, the coalition government failed to land a trade deal with the European Union. In fact, negotiations stalled as a result of the Morrison government's disrespectful treatment of a close ally and its insipid approach to addressing climate change. But I'm happy to report that the negotiations are now back on track and rapidly gaining momentum. Australia and the EU are now on the same page when it comes to achieving high standards on environment and labour issues. Both sides have expressed an ambition to conclude negotiations by mid-2023.

Within the Indo-Pacific, the Albanese government is leading efforts to deepen and strengthen economic linkages. The upgrade of the ASEAN-Australia-New Zealand Free Trade Agreement and the recently launched negotiations for the Indo-Pacific Economic Framework are two examples. Launching IPEF negotiations is a significant step in the future of greater economic cooperation in the Indo-Pacific region. Together, IPEF members represent over 40 per cent of global GDP and, for Australia, eight of our top 10 trading partners. The IPEF brings together the United States; north and south Asian partners, including India; and, importantly, our Pacific neighbour Fiji. IPEF will cover a range of new and emerging trade issues, including supply chain and clean energy.

The Albanese government's objective is to become a renewable energy superpower, helping to spur not just our own energy transition but our region's transition and the world's transition to net zero carbon emissions. Facilitating the energy transition is at the centre of our trade policy. The IPEF negotiations and recently inked Singapore-Australia Green Economy Agreement demonstrate the government's commitment to achieve net zero by 2050. In summary, we're a government of free, fair and open trade and we're committed to deepening and diversifying our trading relationships to strengthen our economy. Australia is no longer a pariah when it comes to climate change; in fact, we're now considered a key part of the global solution. The Albanese government is of the firm view that trade must be a driver of inclusive economic growth and greater economic wellbeing for all Australians; it must deliver for the Australian people. Thank you.

CHAIR: Thank you very much, Minister. I assume that you'll be able to table that for us to circulate to senators.

Senator Farrell: I will.

CHAIR: Thank you. Associate Secretary.

Mr Yeend: I also have a short statement. Thank you to the committee. I'd like to make some brief comments about DFAT's trade function. At its heart, DFAT's trade work is about creating economic opportunities that benefit the Australian community. That includes creating opportunities for Australian business to expand into overseas markets, and it includes working with our international partners to provide an international framework for global trade that is based on agreed rules. That is particularly important at a time of high global economic stress and geopolitical uncertainty, when some actors, like Russia in Ukraine, operate illegally and in disregard of normal international relations. We do all of this, of course, in real time, very much aware of the changes and conditions in the global economic and strategic environment that have underscored the importance of the government's trade diversification agenda. Right now, that context includes the supply chain disruptions that we've experienced since COVID, the ongoing blockages affecting some of our exports to China and the disruption to global energy prices and food security arising out of Russia's war in Ukraine.

We are also positioning Australia to capitalise on evolving opportunities, such as the global green economy transition and the government's commitment to embedding First Nations perspectives in our foreign trade policy. One thing that is critically important today is strong global support for an international system and its institutions. The World Trade Organization is one of the key parts of that system. Like other parts of the international system, the WTO has been under intense pressure in recent years. However, this year, it has shown, again, its capacity for channelling important international collaboration, particularly at the Twelfth WTO Ministerial Conference when Australia, together with our Pacific partners, helped to secure a new treaty to boost the sustainability of global

fishery stocks, the first new multilateral agreement concluded since 2013 and the first so clearly dealing with such an important global sustainability issue. I'm very happy to take your questions on these and other trade issues, including, of course, the government's FTA agenda. Thank you.

CHAIR: Thank you very much for that opening statement. I take it that you're also happy to table that for us to circulate. I will hand over now to Senator Cadell.

Senator CADELL: I just want to start, if I can, by getting a picture from the minister and the shadow minister of how the new arrangements work. Minister, what specific responsibilities have you given to Assistant Minister Ayers in relation to the trade and tourism portfolio?

Senator Farrell: He's got a wide-ranging brief to work in those areas that I have responsibility for. The portfolio, obviously, is very large and requires a lot of overseas travel. So, we have tried to work out an arrangement whereby, when for a number of reasons I have to be in Parliament, he's able to attend overseas events. A recent example of that, of course, was when the Queen passed and we had to reschedule the Parliament; he was able to attend to some overseas commitments that I wasn't able to attend to because of the rescheduling of Parliament.

Senator CADELL: Are there specific tasks or delegations that you've given him as part of that, or is it just a wide-ranging remit?

Senator Farrell: Look, I've given him a wide-ranging remit. He's a terrifically competent assistant minister. I was lucky enough, when I was an assistant minister, to have a minister who gave me a broad remit in terms of the responsibilities that I had in respect of urban water. I think Minister Ayers is extremely confident—competent and he's—

Senator CHANDLER: He's also competent!

Senator Farrell: Yes, he's certainly that, Senator Chandler. So, yes, we work jointly in this area and he does the things that, for one reason or another, I'm unable to do.

Senator CADELL: Would you please table the charter letter that you've given him as part of that role?

Senator Farrell: Sure. I won't be able to do it today, but we'll get a copy of that for you.

Senator CADELL: You've mentioned that travel: tap in, tap out, like a tag team, a bit of WWE.

Senator Farrell: A bit of what?

Senator CADELL: A bit of World Championship Wrestling.

Senator Farrell: Okay. I only used to watch that when I was a kid.

CHAIR: It's going to be an interesting evening tonight; that's for sure.

Senator CADELL: You both went to, what, the WTO meeting?

Senator Farrell: Yes.

Senator CADELL: Was there a difference in role at that? Like, rather than one versus the other when you both went, was there a division of—

Senator Farrell: Yes. I think, to explain what happened there, a couple of things were in play. I think this was the sequence, if I can recall correctly. The caucus had elected me as a minister on the Tuesday; on the Wednesday, I was sworn in by the Governor-General; and, by the Thursday or the Friday, the Prime Minister had indicated that he would like to take a trade delegation to Indonesia. So I, the Prime Minister, the foreign minister and I think Minister Husic all went up to Indonesia for a number of days in order to show to the Indonesians that Australia was open for business and, although there had been a change of government, we still wanted to continue to have a good working relationship with the Indonesians. We were lucky enough to get a terrific reception from the President of Indonesia and I also was able to meet the trade and tourism ministers, both formally and informally.

At or about the same time, there was also an OECD meeting in Paris and it just wasn't possible, in the time frame, to be in two places at once. So, I asked Mr Ayers whether he would be prepared to go and represent Australia at that, which he did extremely well with former leader in the Senate, former minister Cormann. Then I requested that he come up to Geneva to participate in the WTO meetings. I guess that one of the reasons in my thinking for that was this: because of COVID and the pandemic, there hadn't been face-to-face meetings of the WTO for a number of years and so, in a sense, there was a lot of catching up to do. Subsequently, my visits to the United States, Japan, Korea and even New Zealand have been all about trying to catch up on a couple of years where we just haven't been able to meet people face to face.

Given, firstly, the extent of countries that attended the World Trade Organization and the opportunity that it presented to have these face-to-face meetings, I was of the view that it was in Australia's interests to re-engage as quickly as we could with all of these countries. Basically, we had back-to-back meetings from morning to night where we were re-engaging, particularly with the countries, our trading partners, in the region. But, given that we wanted to get the EU free trade agreement rolling again, we were also keen to meet with our European colleagues and, for that matter, with our new friends with whom we had negotiated free trade agreements, being the United Kingdom and India. Obviously, it represented a great opportunity to maximise our interactions with all of those countries which we really hadn't been able to interact with over the previous two or three years.

Senator CADELL: You've mentioned about being face-to-face and catching up. What bilateral meetings did you have and with whom did you have them, while you were at the WTO?

Senator Farrell: There was a lot of them. Does anybody in the room have the list of those? Here we go. This gentleman has even come to the table. Can we read out all that are on that list?

Senator CADELL: Would you be happy to table them, if you don't want to read them out?

Senator Farrell: No. You've asked the question. We'd prefer to answer questions here, so there's a lot less work and the department can get back to negotiating its free trade agreements.

Mr Baxter: I would say that there were an enormous number of interactions that the minister and the assistant minister had, in Geneva, on the margins of the ministerial conference. I don't have a record of them with me, I'm afraid, Minister, and I apologise for that. We will be able to provide you with a list of the formal bilateral meetings that they had where they sat down and a record was taken; they will all be in the schedule. But there will have been any number of meetings where the minister will have just chanced upon a counterpart in a corridor or hallway and exchanged a range of views on a range of matters, and those we would not be able to provide details of. We wouldn't have a record of all of those.

Senator CADELL: So not those, but you would be able to give me a list of the others—

Mr Baxter: We would be able to give you the others.

Senator CADELL: for Minister Farrell and Minister Ayres?

Mr Baxter: We can do that, yes.

Senator Farrell: I'm sure that there are formal records for all of those. I would also say that, with the way the World Trade Organization works, there's a sort of plenary session that's going on at one level. You move in and out of that, depending on whether you've got a particular issue about which you need to make a statement on behalf of Australia. When you're not making those statements, it gives you the opportunity of doing the bilaterals. We had an office where we were doing that and, by and large, people came to us rather than our going to them. But in addition to that you had the negotiations that were going on throughout, in one case, the night, particularly when it came to the fisheries agreement, which was a very successful agreement that New Zealand, Australia and some of our Pacific colleagues were very keen to progress. That was a meeting that went all night and well into the morning.

Senator CADELL: You've mentioned the different travel processes on this and that Minister Ayres went to the ASEAN-Australia-New Zealand FTA negotiations. Was that because of anything other than your unavailability or was he better suited to that meeting? What were the reasons around that, given the importance of that?

Senator Farrell: All of these meetings are important but, given the particular portfolios for which I have responsibility, the purpose of having an assistant minister is that he can fill in on occasions when it's not possible for me to travel because of other requirements. As you know, Minister Wong is the leader in the Senate and I'm the deputy leader. If, as the leader but also as the Foreign Minister, she needs to be away for some reason, her travel is prioritised and I need to be here. So, it's for some reasons that I have to be here in Parliament while she's been away that we've sent the assistant minister. But as for that particular one, I'd need to take on notice what the particular reason was for Senator Ayres having represented me, but I'm happy to get that information for you.

Senator CADELL: My apologies; I skipped a question on the WTO stuff. Did you go to every session of the WTO?

Senator Farrell: When you say 'every session'—

Senator CADELL: Yes, every business session of the WTO.

Senator Farrell: I would have been present at every single one of what I'd call the 'plenary sessions'—

Senator CADELL: The negotiation sessions?

Senator Farrell: but I wouldn't have been there all of the time, because we had the bilateral meetings. So, as I said, if we were required to present positions in respect of Australia, I certainly would have been present there and I would have presented them. But in order to maximise the opportunities to meet these other countries, obviously the proceedings would have continued and I would have been meeting with the officials.

Senator CADELL: But at some period in every negotiation session, you would have been there when required.

Senator Farrell: Are we talking about negotiation sessions?

Senator CADELL: At every negotiation session, sorry. Were you present at every negotiation session?

Senator Farrell: There were four or five negotiation sessions, so you couldn't be at all of them simultaneously. So, the short answer is that, no, I would not have been at every negotiating session.

Senator CADELL: If you weren't there, was your assistant minister there?

Senator Farrell: You're stretching my memory here a little bit. One or other of us would have attempted to be, but a number of sets of negotiations were all going on simultaneously. Let's think about what they were, and James might be able to assist me here. There was the TRIPS waiver. There was the fisheries—

Senator CADELL: Yes, that was a long one; that was a long fisheries session.

Senator Farrell: One of the long ones, yes. There was agriculture, WTO reform and e-commerce.

Mr Baxter: They were the main ones.

Senator Farrell: Those negotiations were all going on simultaneously. If I wasn't present at one of those, Minister Ayres or one of our very competent officials would have been there, so nothing would have occurred that we weren't present for. Of course, I was a vice president and so, in addition to all of those other meetings, we were also attending the meetings with Director-General Ngozi at the start of each morning and we participated in all of the planning sessions that might have been going on. So, we attempted to be at as much as was physically possible, but you're talking about hundreds of delegates and lots of meetings. Obviously, we prioritised those meetings in which Australia had the most interest.

Senator CADELL: So, what were the top three that Australia had the most interest in; what did you prioritise?

Senator Farrell: I would say that WTO reform, agricultural reform and fisheries reform were perhaps the three most important economically to Australia.

Senator CADELL: Evidence given here this morning noted that you won't be attending the APEC meeting later this month; is that correct?

Senator Farrell: Yes.

Senator CADELL: Are you going to the G20 at all?

Senator Farrell: No. I was supposed to go to Bali for the Trade Ministers Meeting but, with the passing of the Queen, we had to reschedule. I was also supposed to go to India; I rang and apologised to my counterpart that I wasn't able to do that. I have been in pretty regular contact with him, particularly to update him on the progress of the free trade agreement through the Australian parliamentary process, and I've given him a solemn undertaking that, as soon as I can get there in the new year, I'll be there. Look, I should say that, even though I wasn't able to go to Bali, a number of the ministers have now come to Australia and I've had an opportunity to meet them here, including the French trade minister.

Senator CADELL: Moving on, you mentioned in your short opening statement the free trade agreements that are on the table. Going to that of the United Kingdom—this is probably for you, Mr Yeend—could you comment on just some of the benefits for Australia from trying to ratify that prior to the end of the calendar year?

Mr Yeend: Sure. I might ask my colleague Ms Stevens to come to the floor to give you some more detail—

Senator CADELL: Thank you very much, yes.

Mr Yeend: but this is one of our most ambitious agreements; it contains excellent market access benefits. Obviously, the sooner that we can have the agreement come into effect, the better it is for Australian exporters. That's why the government has placed such priority on moving the process forward, with the view to allowing it to pass through the Parliament before the end of the year. But I might let Ms Stevens give you a little bit of additional detail.

Ms Stevens: Indeed, we are working and hoping that we will be able to have the agreement ready to be ratified as soon as possible. That process itself is twofold. Australia will have to complete its domestic processes,

as will the UK. In terms of the benefits that would accrue with timely ratification, there are a range of benefits that span goods, services and investment. On the goods side, there are some really significant gains for our exporters—certainly opportunities and jobs for business. These will accrue through at the elimination of tariffs on over 99 per cent of Australian goods exports to the UK, valued at around \$9.2 billion. This is up from the current 89 per cent of exports that receive tariff-free treatment in the UK at the moment. There were very strong outcomes received across key export sectors, such as beef, sheepmeat, wine, dairy, rice and sugar. Also there should be great benefits in the removal of red tape, making trade flow more easily. There are a number of very interesting outcomes in terms of tariff elimination in relation to sensitive agricultural exports in particular, and that is either through an immediate elimination of tariffs or otherwise significant duty-free transitional quotas. That's a bit on goods. I can go into—

Senator CADELL: Is it a benefit if we go early? If we get this ratified by the end of the year, it's better for us because there's an incremental straightaway—is that right?

Ms Stevens: Yes, if that would be possible—if both Australia and the UK were to have completed all of their domestic processes then there would be a benefit in terms of the number of tariff cuts to be received.

Senator CADELL: We have a 30-day activation after, is that right? Is the UK same or is that longer?

Ms Stevens: That's right. Basically, both have completed their domestic processes. Then it is effectively 30 days or at a date that is mutually agreed by both sides.

Senator CADELL: It can be mutually agreed?

Ms Stevens: Yes.

Senator Farrell: Let's flesh that out a bit. I'm very hopeful that we can get this agreement done in time so that we can take the full advantage of any benefits accruing from the agreement in this financial year. That does require the United Kingdom government to do the same in the time frame. They started their parliamentary processes slightly ahead of us, but, unfortunately, because of the internal problems that we're all well aware of in the United Kingdom, I think they haven't kept up. It may very well be that we end up completing our processes before the United Kingdom does, and that may present a problem with our getting the full benefit in this financial year of all of the items that Ms Stevens has just indicated to you. I am hopeful of having a chat to my equivalent. The trade minister has changed in the United Kingdom in the last two months, so there's a new person who has taken over. I'm hopeful that one day next week I can talk to her and encourage them to make sure that they've completed all the processes so that we can complete the process by the end of the financial year in time to get the maximum benefit this year for the agreement.

Senator CADELL: When was that agreement tabled in parliament for the first time?

Ms Stevens: Do you mean with JSCOT?

Senator CADELL: Yes.

Ms Stevens: It was referred to the newly reconstituted Joint Standing Committee on Treaties on 1 August.

Senator CADELL: Did it ever come to parliament in any way prior to that?

Ms Stevens: Yes, I believe it did. I'd have to double-check on the date for that, though.

Senator CADELL: Okay, thanks very much. You've mentioned the cost if we can't get the full benefit now. Is there economic modelling as to what that economic cost might be if both parties can't ratify by the end of the financial year?

Ms Stevens: No, I do not have any modelling of that nature.

Senator CADELL: Did the delay in appointing a new high commissioner hold this process up at all moving forward?

Mr Yeend: No, it didn't. We've maintained regular contact with the UK government and I think, as we've already said, there were some delays at the UK end because of the political developments in the UK over the last few months.

Senator CADELL: What delegated legislation is required for Australia to implement that FTA with the UK? Is there delegated legislation required to move forward with this?

Ms Stevens: Yes. There are a number of legislative changes in relation to the Migration Act, the Customs Tariff Act, the Customs (International Obligations) Regulation, the Customs Tariff Regulations and the Customs Act generally. I can give you the details for those.

Senator CADELL: Are there disallowable instruments?

Senator Farrell: Senator Cadell, I'm just querying your terminology there—your reference to delegated legislation. I think Ms Stevens is referring to legislation.

Senator CADELL: Yes, she was.

Senator Farrell: I'm not sure that there is—

Senator CADELL: That was my next question. Are there disallowable instruments or anything like that are required for this under your delegation that we're aware of?

Senator Farrell: Under my delegation?

Senator CADELL: There are no disallowable instruments that would need to pass?

Senator Farrell: I'm just not sure what it is you're—

Senator CADELL: Do you, by regulation, need to make any changes and allow the disallowable process in the House to expire before it can be activated in the Senate?

Mr Yeend: To give you an accurate answer, I think we'd need to take that on notice and get back to you.

Senator Farrell: All of the legislation I have now taken through the government's processes to get the approval of caucus for the presentation. I'm not sure how it works in the coalition, but in order to process the legislation that's required to implement everything that we are required to do under this free trade agreement, we need to take it to cabinet and then to caucus, and all of those processes have been done. All of the internal processes from the government side in order to file these pieces of legislation as soon as JSCOT comes down with what we hope will be a unanimous decision to approve this agreement, that's all ready to go. I'd have to have a closer look, but I don't think there's anything—

Senator CADELL: I've got some stuff here to follow up in detail but I might come back to that later.

Senator Farrell: Okay.

Senator CADELL: With the change in prime ministers and the change in trade ministers in the UK, have there been formal representations made about getting this process done by the end of the financial year or calendar year?

Senator Farrell: I make regular representations to the High Commissioner of the United Kingdom to make sure that, just like us, they're progressing this legislation. The former trade minister actually came to Australia. We had some very good and positive discussions. That was the second time I'd met her. I'd met her in Geneva, where we made progress on the free trade agreement. She came to Australia; we made further free trade agreement progress. She went back to the United Kingdom, presented the legislation to the UK parliament and then, a few days later, she was replaced as the trade minister by another minister. It's that minister who I haven't yet had an opportunity to speak with. There had been a time set aside. The Queen passed, so the United Kingdom cancelled all foreign communications for a period of time. But I just had this recollection that I might even be talking to her one day next week.

Mr Yeend: Minister, I can add that there is a call tentatively scheduled for next week. I would also add that, while there have been the political uncertainties in the UK at a political level, at the officials level there has been continuity and we have been in regular contact with our counterparts. In fact, I was speaking just yesterday to my counterpart, the acting head of the Department for International Trade. The urgency that we attach to this issue was once again featured in the discussion.

Senator CADELL: While that's going on, the back-end work on the FTA portal on this deal—has that been completed? Is that going ahead or anticipating ratification soon? Where's the status on that?

Ms Stevens: In that regard, we have an FTA portal that is up and operational, and certainly all of the work that is required to load, for example, the detail around tariff preferences and cuts and so forth is ongoing.

Senator CADELL: Is there a benefit or a window or an opportunity to go to the UK to get this done if it comes down to days or weeks at the end of year to get that extra benefit of the indexing?

Senator Farrell: We will move heaven and earth, Senator, to try and get this agreement up on both sides before the end of the financial year—sorry, the end of the calendar year—to get the benefits of it. The thing about a free trade agreement is that it's one thing to negotiate the document, and I sort of think this might be sort of what you're getting at here. It's one thing to negotiate the document, but it's something else to actually get the full benefit out of that agreement. We'll certainly be having as many discussions as we can with the United Kingdom representatives to ensure that not only have we got the agreement and the architecture in place but also we're actually getting benefits for Australian companies in that process.

Senator CADELL: Would you please outline the proposed initiatives, projects and issues that we progress under the innovation chapter? What plans have been developed and what is the time line?

Ms Stevens: Certainly the innovation chapter—one of the key aspects of it was the creation of an innovation committee. We're very much looking forward to that becoming operational and beginning activities under that. We hope that it will be a mechanism for the UK and Australia to discuss ways to promote innovation in trade. There will be a strategic innovation dialogue. Part of that, for example, will be commercialisation strategies for new technologies. Another aspect of innovation will be around mobility. We will be implementing what we're calling an innovation and early careers skills exchange pilot, which will create a pathway for very experienced and skilled UK innovators to work in Australia for up to three years.

Senator CADELL: Thank you. I asked a question about modelling if we don't get it done today, and you said there is none. Is there any estimate of cost, especially for agricultural workers, if we can't ratify this by the end of the calendar year? Is there any idea of proposed cost?

Senator Farrell: You mean in lost opportunities?

Senator CADELL: Lost opportunity—opportunity cost.

Mr Yeend: We don't have any specific figure at the moment because we have been operating on the basis of the processes—

Senator CADELL: It will get done?

Mr Yeend: being completed.

Senator CADELL: Okay. Thank you.

Senator FAWCETT: I'd like to talk about trade with UAE. Mr Innes-Brown, should I start with you?

CHAIR: Perhaps fire away at the associate and then maybe he can direct it to the officials, Senator.

Senator FAWCETT: Okay. I am wondering if you have any figures about the extent of two-way trade between Australia and the UAE.

Mr Yeend: I might ask Mr Innes-Brown to answer that.

Mr Innes-Brown: Two-way trade with the UAE in 2021 totalled \$5.5 billion, of which our exports were worth \$3.2 billion.

Senator FAWCETT: Okay. You would be aware that, in March this year, the former minister announced that Australia and the UAE would pursue a comprehensive economic partnership agreement. What progress has been made on that?

Mr Yeend: I might ask Ms Lisson to answer that question.

Ms Lisson: As you say, we've been looking at a CEPA with the UAE for some months. We're in the process of considering that, including consulting many stakeholders. We've put out a request for submissions on the DFAT website, so we're considering those submissions as they come in. We're also in the process of exploratory discussions with the UAE on the scope of a possible agreement. We had discussions earlier this week with the UAE, on 7 and 9 November. We're considering all the issues at the moment.

Senator FAWCETT: Have those meetings with stakeholders been purely at the officials levels, or has the minister or assistant minister met with any stakeholders?

Ms Lisson: I think the minister took part in some of the peak body stakeholder discussions that we had earlier this year and there have been officials-level stakeholder discussions as well.

Senator Farrell: I did meet with our ambassador in the UAE to get a personal update on the sorts of things that we might like to discuss with the UAE. On 29 September I spoke with my equivalent about progressing the free trade agreement.

Senator FAWCETT: At this stage, from the submissions, are there any clear indications as to where the key benefits would be to Australia?

Ms Lisson: I think the submissions indicate where we would like to reduce barriers to trade. We're looking at that but also taking into account discussions with the UAE on scope. There are a number of factors to take into account when we consider going forward.

Senator FAWCETT: And the Gulf Cooperative Council—what is the status of negotiations with them?

Ms Lisson: Those negotiations have been going on for some time. Well, they started some time ago and were paused.

Senator FAWCETT: Paused by who?

Ms Lisson: Mr Innes-Brown, do you have the deeper history?

Mr Innes-Brown: Yes. It's been going on and off since 2005. Mainly we have sorted various times to pursue it, but the GCC's policies or their enthusiasm for FTAs, not just with us but with other partners, has waxed and waned at different points. As it's a body that involves six countries, getting agreement on agendas and taking it forward in an aggressive, proactive kind of way has sometimes meant that progress has not been quick. As Ms Lisson said, we've had some exploratory talks with the GCC in the past 12 months and we're still looking at what may be possible. There have been some positive messages from them about wanting to restart negotiations. We've had talks. But things don't move quickly with the GCC, whether it's for us or any other partner.

Senator FAWCETT: Minister, with the trade diversification plan, I don't see the Middle East as part of that. Have I missed it somewhere, or is it not in that plan?

Senator Farrell: We are seeking trade diversification and, as I said, my recent discussions with the trade minister were very positive. Our immediate objective, of course, is to ensure that we get the UK free trade agreement and the India free trade agreement, let's call it, through the parliament. We've got a range of negotiations going on. We've got the ASEAN-New Zealand-Australia free trade agreement at the moment. We've got the EU. I met with both the German and the Austrian ambassadors today to make sure that we're progressing those two issues. We're meeting with the United States—

Senator FAWCETT: Minister, sorry to interrupt. I was just talking about your trade deficit plan and the fact that the Middle East wasn't on it. I was wondering whether it will be. What's the status of the Middle East in terms of your plan?

Senator Farrell: Any country that wants to discuss with us a free trade agreement—we're happy to have those discussions. We had all of our eggs in the one basket. We realise that's now a mistake, as do a range of other countries, and it's our intention to broaden and strengthen our trading relationships with a range of other countries.

Senator FAWCETT: So what's the purpose of the plan if you're just relying on other countries showing an interest and you'll talk to them?

Senator Farrell: No, we're right out there. Within days of becoming the new trade minister, I was in Geneva talking with, amongst other people, then French trade minister about an EU trade agreement. And, I have to say, the reception there was almost an audible sigh of relief that there had been a change of government and the issues that had been the obstacles to getting the EU trade agreement up and running—namely, as you would be well aware, the decision to change the contract in respect of the submarines but also the issue of climate change. Both of those had been impediments and that—

Senator FAWCETT: Sorry, Minister, to keep dragging you back to the point. I was just really trying to understand why I couldn't see the Middle East in your trade diversification plan.

Senator Farrell: I thought I was answering your question. I'm not sure why you don't see it. I've just said I've had discussions.

Senator FAWCETT: Is it in the plan, Minister?

Senator Farrell: I just indicated you that I've had discussions in recent weeks—

Senator FAWCETT: No, is it in your plan?

Senator Farrell: and the answer is yes.

CHAIR: Senator Fawcett, you've asked your question. The minister is responding.

Senator FAWCETT: Okay. Could we move on to Israel then. I'm interested to understand what the status of discussions with Israel is around an FTA.

Mr Innes-Brown: We had some preliminary discussions with Israel late last year and early this year at officials level. The Israeli officials told us at the time that they had a full dance card of negotiations, as it were, throughout the remainder this year. There has been, as you know, an election in Israel and so forth. So it's an issue that we will return to soon in terms of looking at. There were some positive preliminary discussions or initial talks about what may or may not be covered and so forth. But, now there's been an election in this country and a clear-cut election in Israel, it seems, that issue will be back on the agenda.

Senator FAWCETT: I know we've had a trade and defence office in West Jerusalem. Is that still located there and functioning?

Mr Innes-Brown: Yes.

Senator FAWCETT: Has there been any pushback from the Israeli side over this FTA because of our decision on West Jerusalem?

Mr Innes-Brown: No, certainly not that I'm aware of.

Senator FAWCETT: Does the department have any plans, or does the government have any plans, to move our trade office?

Senator Farrell: No, we don't. I might add that I met with the Israeli ambassador two or three weeks ago. I reiterated to him that we are still keen to negotiate a free trade agreement with Israel, so the offer is on the table. I think, for the reasons that my colleague just indicated, they've got—what was your term?—a full dance card at the moment. But I've indicated we are keen to proceed. They may come back to us just to talk about a trade and investment framework rather than a formal free trade agreement because of the other issues that have been raised. So that's what we've done.

Senator FAWCETT: In terms of the feasibility study, is that going to be made public?

Senator Farrell: I don't know. Do we generally make them—

Mr Innes-Brown: Yes, those that weren't confidential are on the website, Senator. Sorry—the submissions are on the website, rather.

Senator FAWCETT: The study itself is not—

Mr Innes-Brown: No, it's not a public document.

Senator FAWCETT: Can you tell us, in general terms, what the opportunities that it's identified are?

Mr Innes-Brown: We consider that the Israeli market offers a number of unique possibilities, particularly around the fact that Israel is a world-leading high-tech centre. There are at least 350 multinational R and D centres. For instance, Apple opened its first R and D centre outside the US in Israel. It's a very vibrant sort of place for cyber and start-ups and so forth. We see possibilities in that area and across a number of other areas. So it's cyber and technology particularly but there are potentially other benefits.

Senator FAWCETT: One of the existing areas of trade that we have with Israel—I think actually a DFAT report highlighted that the live animal exports are actually the largest component of our exports to Israel.

Mr Innes-Brown: I don't have the exact breakout, but my recollection is that it's a significant component, as you say, Senator, of trade with Israel.

Senator FAWCETT: Is that predominantly for live cattle or live sheep?

Mr Innes-Brown: I'll have to take that on notice, Senator.

Senator FAWCETT: My understanding is that the cattle are transported on the vessels which take sheep. If the sheep live export is closed, that will essentially also demolish the live cattle export, which I understand is the majority of our export to Israel. Are there any discussions with the Israeli ambassador or our ambassador with their officials about the impact of that?

Mr Innes-Brown: I'm not aware of any discussion that DFAT has had with the ambassador. I don't know about whether the department of agriculture may have broached that. So I think I had best take that on notice to make sure that I give you a comprehensive answer.

Senator FAWCETT: Minister, do you support the trade of live cattle to Israel?

Senator Farrell: Yes, I do.

Senator FAWCETT: How do you propose that will continue if the live sheep export is banned?

Senator Farrell: The Prime Minister and the agriculture minister have indicated that there will be no live sheep ban in the current parliament. So that's three years away. I have to say that I've had a number of conversations with a range of people in Israel and also the ambassador, and nobody has raised the issue that you've just put on the table. I'm happy to go away and have a look at that to see what the consequences would be, but the government has no intention of stopping the export of live cattle. I'm happy to look at the issues that you've just raised and see what the consequences of a change in respect of live sheep might be. But we're talking many years into the future.

Senator FAWCETT: Okay. Thank you.

Senator CHANDLER: My first lot of questions are about our WTO disputes.

CHAIR: Not WWE?

Senator CHANDLER: No. For the sake of brevity, I might refer to the barley dispute and the wine dispute, if I can. But, first of all, could you please provide an update on the status of the barley dispute?

Mr Kenna: Thank you, Senator. The barley dispute began in December 2020. It's now well advanced. We've had both hearings. We expect the final report in the first quarter of next year—so the first quarter of 2023. The

extensive submissions and hearings have gone well and we're feeling reasonably confident in our claims and in the likely shape of the panel report.

Senator CHANDLER: Does that mean that there is no more evidence to be heard or considered at this point? We are now at the point where our fate is solely in the hands of the panel making the assessment of the dispute and writing the report which will be tabled next year?

Mr Kenna: The bulk of the evidence and the hearings have been concluded. We will get a chance to comment on an interim report and to make sure that it faithfully reflects the submissions and the points that have been made in our evidence.

Senator CHANDLER: When would you expect to get that interim report?

Mr Kenna: Shortly.

Senator CHANDLER: You're not able to provide a specific time frame?

Mr Kenna: Hopefully before the end of this year.

Senator CHANDLER: Okay. So you get that interim report, have a look at it and provide comments, and then a final report will be issued within another three months of that?

Mr Kenna: In the first quarter, we think, of next year, yes.

Senator CHANDLER: Okay. Likewise, could you provide an update on the status of the wine dispute?

Mr Kenna: Yes, Senator. That is a dispute that began in June 2021. It began around six months after barley and is probably still running about six months behind barley. We'd expect the report in the second half of next year—the second half of 2023. The initial set of submissions and the first hearing have been concluded. But there is another round of submissions and a second hearing yet to take place.

Senator CHANDLER: When you refer to submissions—we put a submission into that process, don't we? How many submissions have we provided thus far for the wine disputes?

Mr Kenna: In wine we've provided our first written submission, as has China.

Senator CHANDLER: Okay. So then you'll provide your second?

Mr Kenna: Yes. And then there's a hearing.

Senator CHANDLER: Then there's a hearing.

Mr Kenna: Yes. We've provided our first written submission and had the first hearing. Then parties will provide a second written submission and there'll be a second hearing. Then we'll go through the interim report and then to a final report.

Senator CHANDLER: In terms of specific dates around each of those stages, are you in a position to provide those? It doesn't have to be right now. On notice would be helpful, I'm sure.

Mr Kenna: Yes, I'll take that on notice, Senator. But, as I said, the expectation is that we would have the final report in the second half of next year.

Senator CHANDLER: So, going by the similar time line that you've outlined for the barley dispute, we'd expect an interim report maybe mid next year or maybe towards the end of the—

Mr Kenna: Yes, I think that's reasonable.

Senator CHANDLER: You know what I'm saying—three months after that. More broadly, this might be a question for Mr Yeend. What proactive discussions, conversations and actions has the government been undertaking to look at reinstating our disrupted trade to China, including for wine and barley?

Mr Yeend: Again, I'll ask one of my colleagues to give you more detail, but obviously having the trade blockages removed is a key priority for the government. This is indeed related to the disputes that we've taken as well, because the measures that were put in place are not WTO consistent and should be removed on that basis. But the government, as you're aware, has commenced a dialogue with the Chinese government, particularly through our foreign ministers, and the trade blockages and their removal has certainly been part of those discussions. But I might let Mr Crews give you some more detail on that.

Mr Crews: As Mr Yeend has said, the government has been consistent in saying that dialogue is the best way of transacting our various trade differences with China. There has been very little dialogue at ministerial level in recent years, as you would know. As Minister Wong said earlier today, she's had a discussion with her Chinese counterpart as recently as Tuesday of this week, and we hope that senior level dialogue will continue over the next few weeks to come. But I'd just note that, in the last financial year, 2021-22, two-way goods trade with China

was actually up—not, of course, in those products that have been subject to coercion, but high global energy and food prices have boosted our remaining exports to China.

Senator CHANDLER: Has the government sought advice on options to resolve the disputes outside of the formal WTO process?

Mr Kenna: Senator, I might make a couple of general observations about the way the system works. It's very much set up to try to find a durable solution to the trade problem. Initially it's set up to enable consultations to take place between the parties. If they don't succeed in resolving the dispute, you move into a dispute phase. But at any time during a dispute—so, as we sit here, advancing our barley and wine disputes—it's completely open to the parties to have parallel discussions in order to try to find a mutually agreed solution. It's also an option, if those prospects would be facilitated by this, to either mutually or for the complaining party to seek to pause the dispute in order to allow further negotiations to occur. So it's really a system that encourages parties to find a durable solution either through the dispute mechanisms or through the negotiations.

Senator CHANDLER: Has the department provided any briefings to the minister around decisions based on these options or anything along those lines?

Mr Kenna: We've taken note of the minister's comments that clearly there's a recognition that discussion is preferable to disputation, including because of the prospect for timely outcomes for industry. The conditions, of course, have to be conducive to those discussions. And, as Mr Crews has just said, there have been limited opportunities to date, but that remains an option.

Senator CHANDLER: Outside of government, have you aerated any of these options or had conversations with stakeholders—in industry, for example?

Mr Kenna: We keep industry very closely updated, from our perspective in the Trade and Investment Law Division, on the status and progress in the dispute and on prospects and how we're seeing our prospects. We also take on board industry views. It's very clear that industry would welcome a solution and the most timely solution would be the most welcome.

Senator CHANDLER: So you haven't put any specific options to industry. You've just consulted with them and they've said, 'We don't really mind what happens from here—we just want this resolved'?

Mr Kenna: That's been a clear message from industry—that they are focused on a timely resolution, and whatever route will deliver that is their preference.

Senator CHANDLER: Okay. I will move now, if I can, to the CPTPP, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership. I will try not to stumble over the acronym from now on.

Senator Farrell: Why don't we use the old name: TPP?

Senator CHANDLER: Yes, if everyone knows what I'm talking about.

Senator Farrell: Well, I think everyone at this table will know.

Senator CHANDLER: Thank you for joining us again, Ms Stevens. Outside of the United Kingdom, which countries have formally asked to join the TPP?

Ms Stevens: There are in total five formal requests to commence negotiations to accede to the CPTPP. That is the UK, China, Taiwan, Costa Rica and—excuse me, I've just lost my—

Mr Yeend: I think it's Uruguay.

Ms Stevens: and Uruguay. Thank you very much.

Senator Farrell: And Korea was thinking about it.

Ms Stevens: There are certainly other countries that have expressed an interest and are yet to lodge a formal application, but Korea has certainly, as the Minister has just said, expressed interest.

Senator CHANDLER: When will a decision be made on these new requests?

Ms Stevens: In terms of when decisions will be made, there's no specific time line for that. A really important element of the accessions process is basically consensus agreement of all of the members of the CPTPP. At the moment, the focus is very much on the UK accession to the agreement.

Senator CHANDLER: Yes.

Ms Stevens: And that is an ongoing process.

Senator CHANDLER: Is there even an indicative time frame around how long that process could take?

Ms Stevens: No. We don't put time frames on it. Rather, we're putting, I guess, assessments of the quality of the candidate's accession. Another really important element of the process is that any aspirant is able to meet the

very high standards of the agreement. That is in terms of their compliance with the rules and in market access. Not only should they be able to demonstrate that they can meet, implement and adhere to the agreement's high standards; they must also be able to demonstrate a track record of adherence to trade commitments.

Senator CHANDLER: So it's not just that we wake up one day and we've ticked all the boxes and it's all fine and you're good to go—you have to show an ongoing commitment to upholding that?

Ms Stevens: Yes.

Senator CHANDLER: And, once you have done that, even, there still needs to be consensus as to whether that applicant should be allowed to join?

Ms Stevens: That's right.

Senator CHANDLER: Minister, I'm going to ask a series of questions that you may not answer, but I'll ask them anyway and we'll see where we get to. I recognise that they are somewhat sensitive in nature and it's a quarter past eight and we don't want to be getting too rowdy here. What's your position on Taiwan's application to the TPP?

Senator Farrell: The general approach that we have taken is that we're dealing with these issues one at a time. At the moment, our consideration has been entirely focused on the United Kingdom. There have been a number of discussions with our friends in this agreement about how we progress additional countries to join. We've taken, I suppose, the fundamental position that any country that wants to join what we'll call the TPP has to demonstrate that they meet the high standards that we expect of countries in terms of trading relationships. We believe that the United Kingdom does meet that standard and, so far as I can tell—and Mr Yeend might know more about this than me—all of our partners in that agreement that I've spoken to are of a similar view. Singapore, Japan and New Zealand, just to name a few that I've spoken to in the last few weeks about it, are all of a similar point of view. The issues then get more difficult as you add those other countries, for a range of reasons. One of the suggestions is that we set up a mechanism by which we make an assessment about which countries should or should not join. But, remembering what Ms Stevens just said, in order for any country to be admitted, all countries who are currently part of the agreement have to accede to that. So you've got those two relatively high bars. First, you've got to be able to demonstrate that you meet all of the tests that you'd expect of a good international citizen in the area of free trade. But, second, you've got to get the support of all of your colleagues. I don't want to prejudge any of the other applicants, although we have expressed particular concerns that the behaviour of China at the moment in respect of its trading obligations to free trade with respect to Australia, and other countries for that matter, would not be consistent with the high standards of the TPP.

Senator CHANDLER: You've said that the current focus is on the United Kingdom. But I do note that your election policy, the trade diversification plan that I think we had a chat about on Tuesday night, included a dot point specifying that the incoming government would support the accession of Indonesia, Thailand and South Korea to the TPP as well. How does that sit alongside the view that you've just put forward on the United Kingdom on one hand, and with Taiwan, which is saying, 'Well, there's a process we go through', on the other?

Senator Farrell: I don't think they're inconsistent in any way. We're now dealing with the reality of an application by a particular country. We support the United Kingdom coming in. We just negotiated a free trade agreement with them, so it would be very strange if we were to oppose that. But the reality is we have to take into account the views of the fellow members of that agreement. I guess in a mature and sensible way that's what we're trying to progress. When I was in Korea a couple of weeks ago, I did specifically raise with the Koreans that we think they would be a good partner.

Senator CHANDLER: Have you raised it with Indonesia and Thailand as well?

Senator Farrell: I haven't. The short answer is no—not for any other reason than I haven't had an opportunity to speak with either of those. Indonesia, of course, is part of the IPEF agreement and we are talking to them in that context. I have discussed IPEF directly with the Indonesian trade minister. In fact, Mr Yeend was present when that discussion took place. Indonesia originally, I guess, expressed a bit of reluctance, but I'm pleased to say that at our most recent meeting, in Los Angeles, of all of the ministers they were far more positive than they'd been in the past. I don't know what their commitments are in terms of how busy they are, but I'd certainly be quite happy to broach with both of those countries the sorts of discussions I've had with Korea and encourage both of them—again, with Thailand, it's the same situation. They're a part of IPEF. I'd be very happy to include them in any discussions. But, having said all that, our priority is dealing with the primary issue, which is the UK, and that's the subject of all of the discussions. And then I think we have to ensure that all of our fellow participants work out a proper way to proceed forward so that we can successfully get additional countries who want to join.

Mr Yeend: I think it's just worth adding with the UK that what the minister said is absolutely right—all of the members of CPTPP support the UK accession. But they have collectively agreed that they have to get—this is the first accession. They need to get it right and they need to make sure that the standards and the ambition of the CPTPP are reflected in what the UK agrees to. That is because, in a sense, it's setting the kinds of benchmarks that other accession—all of the other acceding members—

Senator CHANDLER: I was about to ask: is there a precedent element here that we have to get this one right because others will be able to point to it and say—

Mr Yeend: Yes, so the focus is on that. The discussion amongst the parties has not been therefore about individual applications like of Taiwan or of Uruguay or of China. It's been about collectively making sure that the process is robust. We'll make sure that there is a clear understanding of what the benchmarks are for other acceding countries that are showing an interest.

Senator CHANDLER: Does that mean that, in theory, in the future when other countries want to join the TPP, it will be easier to know what needs to be done and also a quicker approval process?

Senator Farrell: It could be.

Mr Yeend: I think that's the idea of the—hopefully if there's agreement amongst the parties clearly on what the process is and what the standards to be met are, that should facilitate a speedier process. But these kinds of accession negotiations—because we have experience of them in other contexts as well, like the WTO—are quite detailed and complex negotiations, as is the negotiation that we're having with the UK at the moment. The UK accession negotiation to the TPP is made easier, as the minister said, because we have already concluded our bilateral agreement. But other members negotiating with the UK that don't have their own FTA are looking very carefully at the agreement and making sure they get what they want in terms of the level of ambition. So no doubt it will speed up the process, but it won't mean that it's necessarily a process that happens over a couple of weeks.

Senator CHANDLER: Yes, of course. I just wanted to really make sure that Senator Farrell is going to be able to tick off on his election commitment here about Indonesia, Thailand and South Korea.

Senator Farrell: As you know, Senator, I make a point in question time of making it clear that we intend to honour all of our election commitments and are in the process of doing so.

Senator CHANDLER: Thank you.

Senator CADELL: Minister, I used some language before in a question and then it sort of got away from me—about the delegated legislation. Where I got that from is one of your documents—I think the national interest analysis prepared by you. That's where it came from. I'll reword that question. Does the national interest analysis prepared by DFAT spell out what delegated legislation is required? The example I had was the Foreign Acquisitions and Takeover Regulations 2015. That was one of those. Is that still the case with all those documents? They haven't changed?

Ms Stevens: Certainly if you've read it from the NIA, which is a very thorough and accurate document, I would put my faith in that. If you do require more information around that, we can always provide that to you.

Senator CADELL: It's just on the timing thing I was going through to try to get these benefits. I think it applies to India, where I'll go next, and the UK. Given that these are disallowable instruments by the Senate, does that period have to expire before we can activate our time?

Senator Farrell: I don't know. I'll find out for you.

Senator CADELL: Thank you.

Senator Farrell: That's a fair question. I'd need to get an answer on that. I don't know if any of the other senators on the Labor side happen to know the answer to that question and could helpfully—but the long and short of it is that I'm hopeful that with cooperation by the government and the opposition to get these things through there won't be any suggestion that any disallowable instrument would, in fact, be disallowed.

Senator CADELL: I think 100 per cent that's where we come from too. We're just hoping that we don't have to allow that time to expire.

Senator Farrell: It's a fair question and I'll get an answer for you.

Senator WHITE: I'm the chair of that committee and I don't know the answer.

Senator CADELL: Can you google it, Senator White, so that we've got an answer by the end of the night? Going to India now, I've got very similar questions but I'll try to go a bit more quickly through those. My understanding is that India doesn't have a required length of period; it's a more informal process for ratification. Is that correct?

Mr Yeend: I will ask Ms Lisson to answer that one.

Ms Lisson: Yes: India doesn't have a formal process requiring parliamentary approval in order to sign off on the ECTA agreement.

Senator CADELL: On those required legislation pieces we were talking about in that last question and others, are they drafted? Are we ready to go if this all goes very quickly?

Ms Lisson: Yes.

Senator CADELL: What steps would India take to ratify it? Is it just a sign-off at ministerial level?

Ms Lisson: I think it has to go a bit higher than that. It's a sign-off by the highest authority, as a treaty, in order to go through their system.

Senator Farrell: I actually discussed this topic with Minister Goyal, who's the trade minister. I think, if I've got it right, it's a cabinet decision, so the cabinet would then approve it. Somebody can correct me if I'm wrong.

Mr Yeend: That's right.

Senator Farrell: Unlike our process, which requires us to take it to parliament for treaties to be approved, I think under the Indian system, which is obviously a very similar system, a Westminster system, to ours, it only requires the cabinet to do a sign-off. For that reason, I think the Indians think that it will be a quicker, smoother and easier process for them to get it approved.

Senator CADELL: Is there a high degree of confidence that India might happen before the end of the year and the UK one? Obviously we want both. We want to do what we can. But is there a higher degree of confidence?

Senator Farrell: It's perfectly possible that the Indian agreement gets approved before the UK agreement. I hadn't actually contemplated that but I think you could be right there, Senator Cadell.

Mr Yeend: I'll ask the lead negotiator, Alison Burrows, to come forward.

Senator Farrell: You're very privileged, Senator Cadell. You're talking to the person who's actually negotiating that agreement—

Senator CADELL: Now I'm intimidated.

Senator Farrell: and doing a very fine job on behalf of Australia.

Senator CADELL: Has the department's negotiating mandate been changed with the change of government for this agreement?

Ms Burrows: We had a negotiating mandate dating back to 2017 for the launch of the free trade agreement negotiations. We have put to ministers the plan for the EU free trade agreement since the election.

Senator CADELL: You've put it to them but—

Ms Burrows: They gave us a mandate to continue negotiations.

Senator CADELL: No changes?

Ms Burrows: We know more about the free trade agreement than we did before we launched it. So there are some elements where we are looking again at the negotiations and there are elements that we didn't envisage before we launched in 2017.

Senator CADELL: What has been added or removed?

Ms Burrows: I might leave this to the minister and Tim. I don't believe I'm authorised to say what the specific mandate is for a free trade agreement negotiation.

Mr Yeend: The mandate continues much the same as when the negotiations started. The government's considered and reaffirmed the continuation of the negotiations. The key thing is that to finalise the negotiations—when we get to the pointy end of the discussions, when the issues that have to be resolved are clearer, obviously then the government would agree on a final negotiating mandate. And we're not at that stage yet.

Senator CADELL: Okay. I'm always wanting to put words in others' mouths and being chastised for it. Things aren't changing; they are evolving? Is that a better way of putting it?

Senator Farrell: I don't want to labour this point, but obviously one aspect of the negotiations that has changed is that—I'll express it as gently as I can—we are more forward leading on the climate change issue. I think that's been welcomed by our European colleagues. Certainly in every discussion I've had with them, they've appreciated that. We want to get an agreement with the EU. We realise that's a very fundamental part of our

expansion of trading partners. There had been a hiccup, let's say, with the issue of climate change and also the submarine contract. We've put that behind us now, and it's all blue skies.

Senator CADELL: Okay. Would you please, Ms Burrows, be able to give an update? I think there are some negotiations in mid-October.

Ms Burrows: That's correct. There was a week-long negotiating round in Brussels, 17 to 21 October. We went to Brussels. It was the first in-person round that we'd had since before the outbreak of COVID. We'd had numerous virtual rounds in between. Before the round, we exchanged revised offers on services and investment and on goods. We had already exchanged revised government procurement offers in February. At the round, we discussed those revised offers. All of them are good. None of them are good enough to finish, and that goes both ways. We also discuss the treaty text of the free trade agreement. There are numerous chapters in the agreement. Some of them are closed, roughly a third, but there are a number where there's still a lot of work to do. We made progress across the board, including in some of the most difficult chapters. We really did see good progress across the week. But it also reminds us there's a lot of work still to do.

Senator CADELL: You said certain chapters were closed. That wasn't there; that was prior to that meeting?

Ms Burrows: We had done some chapters before the round and then we did some more at the round.

Senator CADELL: You closed some chapters at that round?

Ms Burrows: We closed some chapters at the round.

Senator CADELL: Do you know how many?

Ms Burrows: We closed two at the round.

Senator CADELL: And how many were closed prior?

Ms Burrows: About 10 are closed now. I think more importantly, a large number of the other chapters we brought much closer to conclusion. So that thing of which ones are being closed is not the only metric that we look at.

Senator CADELL: What is the status of the EU revised offer on agricultural goods access, specifically sugar, beef and sheepmeat?

Ms Burrows: The EU has told us that in their negotiations, they will not give us the final offers on what they call sensitive products—beef, sheepmeat, sugar, dairy and rice—until the end of the negotiations, until we're well and truly into the endgame. So although we know what sort of coverage they intend on a large range of agricultural products, and we're seeking improvements on it—lesser tariffs, quicker eliminations—at the same time, we still have to work towards that endgame where we will work with them on those, what they call the five sensitive products. However, those products are never far from our mind, and our whole strategy of the negotiations is about trying to get the most on those products, which we know are really critical to our agricultural industry.

Senator CADELL: Going back two minutes, what chapters are closed? Are you able to tell us those?

Ms Burrows: I would have to consult the EU as to whether I could say. A number of the ones that are closed—it's available on the DFAT website, which ones we've said that we've closed.

Senator CADELL: On beef specifically, I don't think the EU's ever closed a free trade agreement that ends up at full liberalisation that—almost every other FTA we've done. Do you think that will be the same position here? Do you think we'll get the full liberalisation, or are we going to fall short on that one?

Ms Burrows: From the information available to me, and that is based on all the other free trade agreements which the EU has done, they have left quotas in place on very sensitive agricultural products. It would seem to me likely that the end result will be a tariff rate quota on beef.

Senator CADELL: Has Australia ever closed an FTA that hasn't ended in full liberalisation prior to this?

Ms Burrows: Senator, the answer to that is yes. There are a number of trade agreements which we've closed where at the end of the transition period, certain products are still subject to quotas—

Senator CADELL: Beef quite specifically, sorry.

Ms Burrows: On beef, in some of our FTAs there are still bilateral safeguards at the end of the transition period so that a higher tariff rate can be quota-ed. But there are quotas left on a range of products in a number of our other free trade agreements.

Senator CADELL: Thank you very much. A passion close to the minister's, I believe, and to my heart is some GIs—around prosecco especially. I'll start there.

CHAIR: Are you proposing that we adjourn shortly, Senator Cadell? I agree with that.

Senator CADELL: Twenty minutes and I can have it here.

Senator GREEN: Sbagliato?

Senator CADELL: We've got parmesan, feta, prosecco. We're going environmental, we're going process, not regional. Are there any other areas where we should be concerned down that path on that sort of thing?

Ms Burrows: The EU gave us a list of around 400 geographical indications. That is for food and for spirits. We published the lists of the GIs which they asked us to protect back in 2019—I might have to check that; anyway, a few years ago. We published that list so everyone could see it. There are 400 names. We have already protected wine GIs in the wine agreement. So this is just about food and spirits. Out of those foods and spirits, there are many, many, many of them that we don't produce in Australia. If at the end of the negotiations the government were to decide that it was worthwhile protecting EU geographical indications in order to get the best possible deal for us, if that happened, there is a very large number of those 400 GIs which are not being produced in Australia. There are some very sensitive ones. And you're right that parmesan, feta and prosecco are among the most sensitive of the ones that they have asked us to protect. But we have not agreed. We have not made a decision on that.

Senator GREEN: All the good stuff.

Senator CADELL: That's a good night. Like those three mentioned here, are there any others that you're particularly worried about?

Ms Burrows: There are a number of other cheese and smallgoods ones that we are concerned about, and there are some particular spirits which have been made in Australia for a long period of time by our migrant communities. So even if commercially it might not be very significant in terms of Australian trade, it's very important to the producer and it's also important to a particular community. They have built the product. They have built the demand for that product.

Senator CADELL: Were discussions on GIs specifically held in the last round, in October?

Ms Burrows: Yes.

Senator CADELL: Is it correct that the Europeans would be willing to have Australian prosecco?

Ms Burrows: It's not clear to us what the EU might agree to at the very end of the negotiations. When you think that they are going to talk to us about sensitive agricultural products access, at the very end, we will also be talking about geographical indications at the very, very end of the negotiations. It is not clear to us that they would agree to—it will not be just a simple agreement to say, 'Yes, yes, you can use Australian prosecco'. That would be a negotiated outcome and it would be a negotiated compromise for each product, not just something on which they'd say, 'No, no, it's fine for all 400. Just call them Australian, whatever it is'.

Senator CADELL: No sign that the good minister will have to change from his 2017 shiraz? That's not on the list?

Ms Burrows: Luckily, we have a wine agreement in place, so we're not negotiating on those. Just for clarification, there is a reason, though, why we're negotiating on prosecco, or why they've asked us about prosecco. It's because at the time of the wine agreement it was regarded as a grape variety.

Senator CADELL: Interesting. I think it still is. Tasmania will argue that. Have you briefed the relevant agricultural sectors on the outcomes of last rounds? And if so, what peak bodies, what groups?

Ms Burrows: I would have to take on notice what groups we have specifically briefed since the last round as a group of negotiators, as opposed to the ones that I have spoken to myself. I have spoken, for example, with Dairy Australia and with Meat and Livestock Australia. But I would have to take on notice every group that the whole team has spoken to.

Senator CADELL: So MLA have been?

Ms Burrows: Yes.

Senator CADELL: Interesting. Twelve months ago, I was in the UK and I met with the agriculture minister entirely out of it. I think the hold-up in the EEC was bone-in, bone-out carcass weight. Are those the sorts of things you get stuck on in these—

Ms Burrows: Absolutely.

Senator CADELL: How's the negotiation on the procedural rules for bilateral safeguard measures?

Ms Burrows: In terms of the negotiations on safeguards and what we call the remedies chapters, a lot of it is tied to market access. So the things that we have not yet been able to resolve are tied to market access, so that we are saying that if there's already a quota, then you don't need a safeguard, for example. In a way, it's a proxy for some of the market access negotiations.

Senator CADELL: Are you seeing any signs that the EU will take a more liberalised approach, or use this as a back door for some sort of other protection, a backdoor protection mechanism?

Ms Burrows: That is part of the core negotiation on market access, which is not yet at the end.

Senator CADELL: Given that the EU is seeking to diversify access to critical minerals, would you be able to provide some detail about any elements of the energy and resources chapter? What is the EU seeking specifically and what initiatives are we looking to include?

Ms Burrows: Senator, in terms of the energy and resources chapter, the EU is seeking some of the same things as we are, which is talking about supply chains, talking about cooperation and how to work together in the energy and critical minerals situation which we find ourselves in. However, the EU has also asked us to do some things which we have never done before in a free trade agreement, including having disciplines on pricing mechanisms. These are ones that they have strongly asked for and we are strongly, robustly negotiating on.

Senator CADELL: On that same chapter, is it seeking reference to sustainable food systems?

Ms Burrows: The sustainable food systems is a different chapter, which the EU proposed to us relatively late in the negotiations. It was designed by them to mirror their farm to fork regulations. But as we began discussing that chapter, it became clear that we share a lot of the objectives that the EU has on sustainability. And we have been using the chapter negotiation as a way of reinforcing just how high our standards are and all the traceability mechanisms that we have in place.

Senator CADELL: Have we agreed on a definition, then, of the sustainable food system, or are we still working on that?

Ms Burrows: Still working on it.

Senator CADELL: Are the Europeans seeking to impose any EU requirements on Australia's food production, or is that what you're talking about there—that we're aligning that?

Ms Burrows: They are not using the FTA to nominate particular standards in terms of food and asking us to meet them. What we talk about more in the FTA is cooperation and dialogue on those sorts of issues and also how we can work together in international organisations. We do have different approaches when it comes to some food standards, but for us, this has been a good opportunity to reinforce just how high our own standards are.

Senator CADELL: On the previous answer, we haven't agreed to make our TFT commitments legally binding because that's not yet finalised? We haven't locked in anything like that at this stage?

Ms Burrows: We haven't agreed to that.

Senator CADELL: Minister, you might want to come in on this in future if we haven't got there. Has Australia agreed or are we considering the trade sanctions provisioned in the dispute settlement chapter that was agreed in New Zealand?

Ms Burrows: The EU put a proposal to us shortly before the round, so only last month. It is about the application of dispute settlement to the trade and sustainable development chapter, and it's also about potential sanctions if you breach the trade and sustainable development chapter. It also asked us to meet the requirements of the Paris Agreement. It is not identical to the proposal that they made to New Zealand. So we've received it relatively recently and we're still considering it.

Senator CADELL: So it's on the table but hasn't progressed beyond that initial—

Ms Burrows: Yes. They only proposed it to us the week before that round in October.

Senator Farrell: Since you've invited me to make a contribution on that, Senator Cadell, we had started our negotiations with the EU before the United Kingdom and, for those reasons I mentioned earlier, New Zealand got the jump on us and ended up finalising a free trade agreement before Australia. We think with Alison's work we're very quickly catching up. But every group that I've met from the EU, including the parliamentarians who are ultimately going to make a decision to accept or reject this agreement, all of the trade ministers I've met and all of the ambassadors that I've met—I've made it clear to them that we don't believe the New Zealand agreement is a model for Australia. We believe that we have got more to offer than New Zealand in that space, particularly the critical minerals and the rare earths that we have access to. I think there's an appreciation in Europe that they had been too dependent on a single source of those critical minerals and rare earths. This agreement offers an

opportunity for them to get in at the ground level on the energy sources of the future. I think that becomes particularly more important in light of the Biden government's decision in respect of the Inflation Reduction Act, and the special benefits that Australia receives in terms of our critical minerals in that whole scheme. I hope this is not famous last words. But I believe we're in a better negotiating position than New Zealand and I think that with our very competent negotiators, we'll be able to get a better result than New Zealand got.

Senator CADELL: How are you progressing with the EU on digital trade? Do you want to give a summary on that?

Ms Burrows: On digital trade, we've made a lot of progress. There will be provisions in the FTA which are more ambitious than we've done in previous digital chapters. We have one central problem, however, which is how to deal with data flows in that chapter. We haven't yet resolved it.

Senator CADELL: And the EU general data protection regulation?

Ms Burrows: That's right.

Senator CADELL: What is the status of labour market testing within the provisions of the FTA? Is that still open and ongoing?

Ms Burrows: The EU has asked for the additional waivers of labour market testing for the further categories that we've done in some free trade agreements. We haven't agreed to that.

Senator CADELL: Has that negotiation position changed with the change of government—our position in that area?

Ms Burrows: We hadn't previously agreed and we haven't agreed now.

Senator CADELL: Thank you.

Senator GREEN: Any other food groups?

Senator CADELL: I have finished that section.

Senator CHANDLER: I have some questions about ISDS clauses. Is DFAT a participant in any interdepartmental committee regarding government policy development on market intervention in the gas sector?

Mr Yeend: Yes, we are.

Senator CHANDLER: What's the nature of that?

Mr Yeend: There are a number of ministers and departments involved in that discussion. We have a role within our portfolio constraints of advising on various issues related to global energy prices and also in looking at various options on things like the trade and investment, legal-related issues. That's our role, and other departments, obviously within their own areas of competency, are involved in those discussions.

Senator CHANDLER: Speaking of those legal-related issues, has DFAT had any discussions with other agencies around ISDS clauses?

Mr Kenna: The Office of International Law in the Attorney-General's Department and the trade law division have provided legal advice to assist the policy considerations around these issues.

Senator CHANDLER: And they've provided that advice to your department?

Mr Yeend: To DCCEEW—the Department of Climate Change, Energy, the Environment and Water.

Senator CHANDLER: I think, given your answer, I know how you'll answer this next one. Has DFAT provided any advice regarding the application of ISDS clauses to any government action to place price caps or implement a windfall tax on gas extraction?

Mr Yeend: The advice that I referred to generally, I think, provided some guidance on investor-state dispute settlement. The range of policy considerations by government is still in motion, so there was no definitive view or detailed advice on particular options.

Senator CHANDLER: If there were, would that advice come from you, or would that advice come from the—the name of the entity I've already forgotten but it was with Attorney-General's?

Mr Yeend: It's really up to the client area. The department may seek advice from us, or it could seek advice from the Office of International Law.

Senator CHANDLER: Has the Department of Foreign Affairs and Trade provided any advice to the minister on this or has the minister requested any information?

Mr Yeend: When you say 'on this', Senator, do you mean specifically on investor-state dispute settlement as regards these policy proposals?

Senator CHANDLER: Yes.

Mr Yeend: We have not provided the minister with advice on that.

Senator CHANDLER: Minister, I note that your colleague in the industry portfolio, Ed Husic, had a couple of comments in the *Fin* this week. He seemed to think that ISDS clauses would be a major factor in the government's decision to address surging gas prices. Do you agree with that assessment? Sorry, no—he was rubbishing the suggestion that they'd be a factor. Do you agree with that?

Senator Farrell: Just at the moment, there are a number of discussions going on in government as to how to deal with the difficult circumstances that arise, particularly with respect to the terrible war between Ukraine and Russia that's led to a rise in energy prices not just in Australia but around the world. I don't give Mr Husic advice on what he says about these things. I'll keep my comments on these topics to discussions within the government.

Senator CHANDLER: And you have had discussions with Minister Husic then, I'm guessing.

Senator Farrell: The government has been considering this issue for some time. That's on the public record. It's not going to be my intention to air those issues publicly here, except to say the issue of high electricity prices and gas prices is a serious issue for Australian industry. We're trying to grapple with those issues as we speak and trying to come up with sensible proposals that deal with this issue and try to ease the cost of living for Australian consumers.

Senator CHANDLER: On the issue of gas market intervention, has any company raised the possible impact of using an ISDS clause in one of our FTAs with you or with the department?

Senator Farrell: Nobody's raised that with me, Senator.

Senator CHANDLER: Minister, do ISDS clauses pose any risk to the introduction and implementation of price caps or windfall tax on gas companies?

Senator Farrell: As I said, there are discussions going on within the government about all these issues. I'm participating in some of those discussions and I'd like to continue to participate in those discussions until a sensible outcome is made to these issues. They're difficult issues. Had you won the last election, you would have had to deal with them. There's a range of issues that need to be considered, and in the careful and cautious way in which this government has started, we'll continue to work through the issues so that we come up with sensible, long-term solutions for Australia.

Senator CHANDLER: So do you think they pose any risk?

Senator Farrell: I'm having discussions with my colleagues about the issue. We need to work through these very difficult issues. We need to come up with sensible solutions. I'm participating in that process and I'll continue to do it in the hope that we can come up with some long-term sensible solutions that help push down the price of electricity for Australian consumers.

Senator CHANDLER: Just so I understand the interaction between what you just said and what Mr Yeend and Mr Kenna were saying earlier, have you asked DFAT for advice on this issue in particular?

Senator Farrell: I haven't personally asked DFAT for that advice. But DFAT is one of the government instrumentalities that are part of the process, that are considering all of the issues that relate to energy prices and how we might assist Australian consumers in reducing what would appear to be significant increases in electricity costs over the next two years. The Treasurer, I think to his credit, was very forthcoming in the budget about releasing predictions as to what's going to happen with energy prices. We're currently working through those important issues as we speak.

Senator CHANDLER: It all sounds very whole of government. I take the point that this is a big issue that government needs to holistically address, but I'm just trying to understand what particular role DFAT has in working out this conundrum and, therefore, what sort of consultation has occurred with the department to assist the government as a whole in coming to its position.

Senator Farrell: Well, DFAT are an important part of the government, an important part of this process. We're not about to go into detail about what sort of advice DFAT are providing to the government, except to say that, as always, it's professional and accurate. And as the government continues to look at these issues, they'll continue to provide assistance to the rest of those departments that are engaged in this process as to how we get to resolve this difficult issue. Ms Stylianou might have some additional advice that she can provide to you to give you some assistance, Senator Chandler.

Senator CHANDLER: My next few questions are for you, Minister.

Senator Farrell: Okay.

Senator CHANDLER: I was reading this *Fin* article today, as I said, quoting Mr Husic back at you. It says that next week you will be detailing the Albanese government's new approach on the ISDS clauses. Can we expect that to be the same as the Labor Party's current national platform on this?

Senator Farrell: I'm going to keep you in suspense, Senator, because—

Senator CHANDLER: I'm on the edge of my seat, Minister.

Senator Farrell: we've got a big crowd coming to that event and we have offered them the exclusive, and I feel that if I announce what I'm going to say tonight, then that'll spoil the party. I'm happy to give you an advance copy of that speech, so long as the embargo is honoured, Senator.

Senator CHANDLER: So the decision has been made, then, Minister; it just hasn't yet been announced?

Senator Farrell: I'm going to keep my own counsel on this. I'll be giving a statement to them and also, the next day, to one of your favourite organisations, the Sydney Institute.

Senator CADELL: That's on Monday night.

Senator Farrell: Tuesday night, I think it is. APEC on Monday and Sydney Institute on Tuesday.

Senator CHANDLER: I will give the call back to Senator Cadell for a bit.

Senator CADELL: Thank you very much. And, Mr Chair, I will try to self-filter as many as I can. I want to go to agricultural visas, if I can. Minister, I guess you would be experiencing the need for agricultural work as much as anyone, or have in the past. Given that the ag sector is estimated to be over 170,000 workers short, have we sought any advice, including modelling, on the impact that this could have on Australia's agricultural sector?

Senator Farrell: Do you want me to answer that, or somebody who's—

Senator CADELL: I'm happy for anyone to.

Ms Heinecke: This was discussed at the department of agriculture hearing earlier in the week. I think what they gave to that committee was that ABARES didn't have an up-to-date advice on the number. They were asked about 172,000 as being the shortage. They did say that was broader than agriculture. What I can say is that, with the government's commitment to bring the AAV into the PALM, we have got 31,500 workers in Australia at the moment under the PALM scheme and—

Senator CADELL: Is that broader than agriculture too?

Ms Heinecke: It is, but 95 per cent are in agriculture. I include meat processing in that sector as well.

Senator CADELL: My concern is that 31,500 is only a mere 141,000 short of the number they say. Do we think that PALM can deliver 172,000 workers?

Ms Heinecke: Sorry, Senator. Just to confirm—what was discussed earlier in the week at the agriculture hearings—

CHAIR: That's the Senate Rural and Regional Affairs and Transport Committee?

Ms Heinecke: Yes, that committee. There was a question about whether 172,000 was the shortage. That was put to ABARES. The answer from that committee was that they didn't have clarity on the number. That covered a much broader number than agriculture. The number that we've been given from organisations like the Australian Fresh Produce Alliance is that there was a shortage of about 10,000. That was about six months ago. We've brought in over 10,000 workers since June to meet those shortages.

Senator CADELL: So 172,000 broadly across the entire economy—so everyone we get needs to go to ag.

Ms Heinecke: What ABARES said earlier in the week is they didn't have clarity on the gap in the agriculture workforce numbers. What we've brought in responds to requests from employers that have joined the PALM scheme, and that's over 10,000 since June.

Senator CADELL: But that's only employees who have joined the PALM scheme?

Ms Heinecke: Yes.

Senator CADELL: There's sometimes a higher skill set. A lot of these PALM scheme workers are going to meat works, things like that; they're not actually in fields, operating machinery, different stuff. So a lot of employers are not joining the PALM scheme—would that be safe to say?

Ms Heinecke: As you would know, Senator, there are lots of ways that people can bring skilled and unskilled workers into Australia. Through the PALM scheme they tend to be from skills level three to five under the ANZSCO codes. There are obviously a lot of other ways that Home Affairs can speak to where workers can be brought in at high skills level, including in the meat and horticulture sector.

Senator CADELL: In the absence of ABARES having a figure otherwise, is it not reasonable to listen to the entire ag sector—the National Farmers' Federation and state farmers federations—and accept their number of 170,000?

Ms Heinecke: We would work on data that's coming from ABARES and, as you heard earlier in the week, they don't have an accurate number of what the actual gaps are at any point in time. What I can say is often backpackers in the sector worked maybe for a couple of weeks, whereas when we bring a PALM worker in they do tend to stay with the same employer for the time that they're contracted to do that for, which is usually six months or more under the terms of the PALM scheme. ABARES analysis shows that you often get a three to five return. So when they talk about gaps in the market, they're not necessarily full-time jobs over the period of the gaps.

Senator CADELL: But technically it's 88 days, isn't it, to renew their visa for a lot of these people?

Ms Heinecke: Working holidaymakers, which I think you're talking about, is a Home Affairs program. For the PALM scheme, seasonal workers come in for six to nine months or they come in from a one- to four-year visa under the longer stream, which does include the agriculture sector.

Senator CADELL: What communication was given to your department—similarly in South-East Asia—about the axing of the agricultural visa?

Ms Heinecke: Senator, we were discussing negotiating with a number of countries on the agriculture visa. We only concluded one before the election, and that was with Vietnam. As the government has said, we are honouring the MoU with Vietnam and we're completing those implementation arrangements with Vietnam, but not under the agriculture visa. We're delivering that through a separate agreement with Vietnam. We were negotiating with a number of other countries, and those countries have been communicated with that visa no longer exists.

Senator CADELL: But there will be a specific one for Vietnam under a different framework?

Ms Heinecke: We're negotiating the details of that with Vietnam at the moment.

Senator CADELL: There was some talk in the development of the Australia-India economic cooperation and trade agreement that it wasn't formally in the document but there was some correspondence offering a similar visa to Vietnam in that. Is that the case? I don't know how to describe it. It was described to me as not a formal signed letter, not part of the agreement, but a communication where it was indicated that there might be a similar thing for Indian workers to what there was for Vietnam.

Ms Lisson: There was some discussion about exploring that visa. But subsequently the visa has been incorporated into the PALM scheme. And, as Miss Heinecke has said, it's focused very much on the Pacific, with the exception of the existing MoU with Vietnam.

Senator CADELL: I 100 per cent accept that the PALM scheme is on that. But can you tell me there was no government to government correspondence that offered India the right to a similar visa level for agricultural workers or all workers?

Ms Lisson: It was about discussing, looking into it.

Senator CADELL: Not an offer, not confirmation?

Ms Lisson: It wasn't a specific commitment.

Senator CADELL: Okay, thank you very much.

CHAIR: Senator Cadell, I have just a couple of follow-ups and may be able to provide some clarity for you as well, given that I was actually the senator who was asking ABARES these very questions at RRAT earlier in the week and also that the deputy chair and I have spent a bit of time together on a separate select committee on this matter in the last parliament. With respect to the 172,000 worker figure, it's a figure that, as I understood—and the department will correct me if I'm wrong—has been put by the Fresh Produce Alliance, which is made up the NFF and others in the supply chain. But that figure includes workers right across the whole supply chain. So it includes people in hospitality, in the restaurants, in agriculture, in transportation and in logistics. I think the evidence that came out of RRAT was that AFPA, the Fresh Produce Alliance, and AUSVEG, another peak body, agreed that there was a shortage of around to 10,000 to 20,000. But when you include hospitality and restaurants, you get to the 172,000 figure. That was a figure that I think the leader of the National Party was also using. Through that process we were able to find out that if you break up the different sectors in that supply chain—am I correct?

Ms Heinecke: That's the evidence I've heard.

CHAIR: The other clarifying point too—we talk about an MoU. Was there ever a visa that was actually established under the MoU or was it simply an MoU where the two governments, Australia and Vietnam, would sit down and discuss potentially a visa or some form of arrangement?

Ms Heinecke: Under the former government there was legislation passed under the migration regulations to create regulations to create—

CHAIR: Regulations, or legislation?

Ms Heinecke: It was under the Migration Regulations.

CHAIR: My understanding is that it was ministerial regs that were established—a framework—

Ms Heinecke: Yes, that's correct.

CHAIR: Not legislation. In terms of India, I understood that a media release was issued by then agriculture minister, Littleproud, but beyond that there were really no other conversations between Australia and India. Is that your understanding?

Ms Heinecke: From my perspective in leading on the agriculture visa, we didn't commence negotiations with India.

CHAIR: Thank you. I also wanted to clarify—you may not be aware, but I think the department of agriculture had engaged EY to also look at the shortage, which came in somewhere between 11,000 and 24,000 for agriculture, but with a specific focus on horticulture. Is that your understanding?

Ms Heinecke: Yes, that's correct.

CHAIR: Hopefully that helps, Senator Cadell.

Senator CADELL: That's fine. I'll go back. If we're 10,000 to 20,000 short, what's the confidence level that PALM can fix that on the farms?

Ms Heinecke: To clarify, that number was actually a number that was given more than a year ago. We've brought in, as I said, 10,800 since June.

Senator CADELL: But there are still shortages, aren't it there?

Ms Heinecke: That's what we hear, but it's really important to note, as you would know, that it's seasonal. So the supply that is required as we go into the summer season obviously is much higher, and usually workers from the Pacific do come in and out. We've got a lot of workers here at the moment that stayed under the pandemic visa, the 408, and they're continuing to move around. DEWR has been moving those workers around the country to meet need. I think the issue is really that there are still smallholders that would like to access workers for very short periods of time. But in terms of how we run the program, we do need to balance the needs of employers, future employers, Pacific communities, Pacific governments and the workers themselves. So when we bring workers in, we do need to make sure that the period of time that they're coming in returns a net benefit to them and their communities, due to the costs of funding themselves to come out and paying back those airfares and other visa costs. So we do have to balance the need. That's not going to work for every employer. So we are building in more portability to take on board some of the features of the agriculture visa to enable in future deeds the movement of workers.

Senator CADELL: Thanks very much. I'll go to IPEF, if I can, now. Quite generally, what is the government's negotiating aim and objectives in its approach to IPEF?

Ms Stylianou: The government's objectives here are multiple. We're looking to take forward an innovative and inclusive new regional negotiation which incorporates an important group of countries. As the minister has said, 40 per cent of global GDP is captured by this agreement. But it's also got quite an unusual mix of countries in that it has the United States, India, a Pacific representative in Fiji, as well as ASEAN members. So we wanted something which was going to take forward economic cooperation in our region and to lift standards in trade issues of interest to us, including digital issues, labour standards and clean energy, and to facilitate the transition within our region.

Senator CADELL: Is there a document that outlines this approach?

Ms Stylianou: Senator, There are four ministerial statements which Minister Farrell participated in the launch of when he was in LA for the launch of negotiations on 9 September, which set out the agreed parameters of the negotiations for all of the participants. Those things that we're looking for are reflected in those documents.

Senator CADELL: A little bit of politics never hurts. Shadow minister for trade Madeleine King, on 27 August 2021 called for the government to implement all five recommendations of the JSCOT report on treaty making. This included recommendation 2, that the government publish negotiation aims and objectives for all

future trade negotiations prior. Has that become a policy of government, if it was a recommendation of opposition, Minister Farrell?

Senator Farrell: Look, we've been very open and transparent in all of the instructions that we've given to the negotiators. IPEF is, from Australia's point of view, a very important potential agreement. Going back in time a little, the original Trans-Pacific Partnership, the TPP, as it was known back then, was a creature of the Obama administration and it was created with the intention of bringing the United States back into our region in a very significant economic sense. The debate in the lead-up to the 2016 American presidential election meant that it was no longer possible for either major political party in the United States, either the Republicans or the Democrats, to continue with that agreement. And so when President Trump became President, he withdrew from that agreement. In the intervening period, of course, there's been no opportunity for the United States to participate in an economic sense in our region. Ourselves, Japan, New Zealand, Singapore and a range of other countries have been very keen to get America to re-engage in this region. Japan itself, when I was there a couple of weeks ago, still has hopes that the United States may rejoin the TPP. I personally think that's a pretty forlorn hope. But this gives, I think, the region the best opportunity for the United States to re-engage. Both the American trade ambassador, Katherine Tai, and the commerce secretary, Gina Raimondo, have invested a lot of their time and effort into making this a success. And of course, as Helen has just pointed out, not only are we very actively involved in the general meetings that have taken place but also we're inviting all of the other countries to come to Australia in December. And we've also issued an invitation to all of the ministers to come to Australia next year for the next round of the negotiations. I've heard they're very interested in coming to Adelaide.

Senator CADELL: Any particular venue?

Senator Farrell: Well, we can find one. It will be the convention centre, I'm sure. But the short answer to your question—and I have gone into some detail in the lead-up to that because I think that if we can successfully negotiate this agreement, it'll be one of the most significant political and economic documents for our region and give the United States the opportunity to re-engage in the region, which the Biden administration wants to do. We want to be as transparent as we can in how those negotiations go. On the other hand, we don't want to prejudice confidential discussions that might be taking place. We obviously have an ambition to be as transparent as we can. That does include us communicating with all of the interested groups, the business groups, the union groups, but more particularly the opposition—

Senator CADELL: Good people.

Senator Farrell: Excellent people; I can't dispute that, Senator Cadell—to try to ensure that there are no surprises in any of these agreements, that everybody knows what's going on. And I think that in that respect we are meeting the ambitions of that very fine former shadow minister in this area Minister King. I'm sure that our negotiators will continue to provide updates so that we are seen as being transparent but, on the other hand, we get to the point of being able to be a trusted partner in the negotiations and we get good results for Australia.

Senator CADELL: I note that on the DFAT website you've called for submissions. How many have been received to date, if you know, and will they be made public?

Ms Stylianou: I'll have to take that on notice, Senator. I don't know how many we've received to date. Whether they'll be made public will be contingent on what the particular contributor says. Senator, may I also add that, in contrast to the earlier negotiations that you discussed—the EU, for example, or India or the CPTPP—this is at a very early stage. We haven't yet commenced formal negotiations. As the minister has mentioned, the first round will be in Australia in December, in Brisbane, from the 10th to the 15th.

Senator CADELL: Beyond asking for submissions, how are you proposing to engage with business and general society through these negotiations? Can you give us a quick run-down there?

Ms Stylianou: Yes, I can. We're having a broad range of consultations that are underway. In fact, some of my team were in Brisbane today holding public consultations. They've had them in Melbourne and Sydney already, and there is a virtual round scheduled for Darwin, the Northern Territory and potentially further afield after that. They've included state governments, NGOs and community groups, unions, peak bodies, business and industry and thinktanks, as well as having some particular subject-focused consultations in addition to ones with these groups of stakeholders. There have been some focused on the trade pillar of negotiations, some on supply chains and some on the clean economy specifically, as well as on the fair economy. That's all four pillars.

Senator CADELL: That's where IPEF started. Has it got bigger than that? I note the minister's comments on 11 October. He said, 'We're having further discussions with the United States about Indo-Pacific Free Trade Agreement. Again, that represents opportunities to sell our products to a new range of countries.' This doesn't go that far, does it—or has it expanded?

Ms Stylianou: There are four pillars of the negotiation. It's not a traditional trade agreement by any stretch of the imagination. The first pillar, though, is the trade pillar. It does look a lot like a trade agreement, a normal FTA, with one important exception: market access has been excluded, so we won't have market access negotiations in the sense that you were discussing earlier with my colleagues. But there will be market access in terms of standards, market access like or related provisions in terms of standards that might be set.

Senator CADELL: Minister, is there scope to go further on this to get market access?

Senator Farrell: I went into some detail about the history of where we've got to here for the specific reason of trying to explain why the issue is so difficult for the Americans. If the opportunity arose to expand the scope of this agreement, we would be very delighted to participate in that. I can't think of a country that's signed up to this agreement who wouldn't want to welcome that development. But the ball's in the Americans' court. We understand the difficulties, the political difficulties. I don't know whether they've been made easier or harder over the last 48 hours, but there's no easy way of getting the Americans to agree to that market access. But bear in mind, we do have a free trade agreement with the United States.

CHAIR: Thank you very much, Minister. There being no further questions, the committee's consideration of the 2022-23 budget estimates has concluded. The committee has set 18 November of this year as the date by which senators are to submit written questions on notice and, more importantly, 16 December of this year as the date for the return of answers to questions that have been taken on notice. I thank Minister Wong, Minister Farrell and officers of the Department of Foreign Affairs and Trade, and all other witnesses who have given evidence to the committee today. Thank you also to, importantly, Hansard, broadcasting and the secretariat. Thank you very much for all your assistance this week.

Committee adjourned at 21:31