



COMMONWEALTH OF AUSTRALIA

# Proof Committee Hansard

## SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION  
COMMITTEE

**Estimates**

(Public)

THURSDAY, 1 JUNE 2023

CANBERRA

**CONDITIONS OF DISTRIBUTION**

This is an uncorrected proof of evidence taken before the committee.  
It is made available under the condition that it is recognised as such.

BY AUTHORITY OF THE SENATE

**[PROOF COPY]**

**FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE**

**Thursday, 1 June 2023**

**Members in attendance:** Senators Birmingham, Chandler, Ciccone, Faruqi, Fawcett, Green, Paterson, Shoebridge, Steele-John, Van and White

## **FOREIGN AFFAIRS AND TRADE PORTFOLIO**

### **In Attendance**

Senator Farrell, Minister for Trade and Tourism, Special Minister of State

Senator McCarthy, Assistant Minister for Indigenous Australians, Assistant Minister for Indigenous Health

### **Department of Foreign Affairs and Trade**

Ms Jan Adams, Secretary

Mr Craig Maclachlan, Acting Secretary

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

Ms Elly Lawson, Deputy Secretary, Geostrategic Group

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

Mr Ewen McDonald, Deputy Secretary Head, Office of the Pacific

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

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

### **Trade and Investment Group**

Mr Jonathan Kenna, First Assistant Secretary, Trade and Investment Law Division

Ms Helen Stylianou, First Assistant Secretary, Trade Resilience and Indo-Pacific Economic Cooperation Division; and Ambassador for Asia-Pacific Economic Cooperation

Mr David Woods, First Assistant Secretary, International Economics and Green Economy Division

Mr Ravi Kewalram, First Assistant Secretary, Free Trade Agreements and Stakeholder Engagement Division

### **Chief Operating Officer Group**

Mr Ian McConville, Chief of Protocol, Protocol Branch

Mr Paul Griffiths, First Assistant Secretary, Executive Division

Ms Belinda Casson, Chief People Officer, People Division

Mr Brad Medland, Chief Finance Officer, Finance Division

Ms Jo Talbot, Chief Security Officer, Diplomatic Security Division

Ms Suzanne Pitson, Executive Director, Overseas Property Office and Services

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

Mr Michael Growder, First Assistant Secretary, Capability Taskforce

Ms Samantha Montenegro, Chief Auditor—Internal Audit Branch

Ms Kylie Langi, Assistant Secretary, Personnel Security Capability and Culture Branch

### **Geostrategic Group**

Mr Derek Yip, Assistant Secretary, East Asia Political Branch

Dr Peter Sawczak, First Assistant Secretary, US and Indo-Pacific Strategy Division

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

Mr Jeff Robinson, Acting First Assistant Secretary, AUKUS, Arms Control and Counter-Proliferation Division

Mr Benjamin Hayes, Assistant Secretary, AUKUS International Engagement Branch

Dr Geoff Shaw, Director-General, Australian Safeguards and Non-Proliferation Office

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

### **Southeast Asia and Global Partners Group**

Ms Lauren Bain, First Assistant Secretary, Southeast Asia Maritime Division

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

Mr Marc Innes-Brown, First Assistant Secretary, Southeast Asia Strategy and Development Division

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

Mr Ridwaan Jadwat, First Assistant Secretary, Middle East, Africa and Afghanistan Division

**Office of the Pacific**

Ms Elizabeth Peak, Deputy Head, Office of the Pacific; and First Assistant Secretary, Pacific Strategy Division  
Mr Jamie Isbister, First Assistant Secretary, Strategic Infrastructure Division  
Ms Danielle Heinecke, First Assistant Secretary, Pacific Melanesia Division  
Ms Carli Shillito, Acting First Assistant Secretary, Pacific Integration and Economic Division  
Mr Mat Kimberley, First Assistant Secretary, Polynesia, Micronesia and Development Division

**Development and Multicultural Group**

Ms Natasha Smith First Assistant Secretary, Multilateral Policy and Human Rights Division  
Ms Elizabeth Wilde, First Assistant Secretary, Development Policy Division  
Mr Andrew Egan, Acting First Assistant Secretary, Development Effectiveness and Enabling Division  
Ms Beth Delaney, First Assistant Secretary, Humanitarian Division  
Mr Mathew Fox, First Assistant Secretary, Climate Diplomacy and Development Finance Division  
Dr Lucas de Toca, First Assistant Secretary, Global Health Division  
Ms Vanessa Wood, Assistant Secretary, Health Systems Branch  
Ms Kristin Tilley, Ambassador for Climate Change

**International Security, Legal and Consular Group**

Ms Ciara Spencer, First Assistant Secretary, International Security Division  
Ms Marie-Charlotte McKenna, Acting Chief Legal Officer, Legal Division  
Mr Andrew Walter, First Assistant Secretary, Regulatory and Legal Policy Division  
Ms Kate Logan, First Assistant Secretary, Consular and Crisis Management Division  
Ms Lucelle Veneros, Executive Director, Australian Passport Office  
Ms Lucienne Manton, Ambassador Counter Modern Slavery, People Smuggling and Human Trafficking  
Mr Ian Gerard, Assistant Secretary, Consular Operations Branch

**Committee met at 09:01**

**CHAIR (Senator Ciccone):** I now declare open this meeting of the Senate Foreign Affairs, Defence and Trade Legislation Committee. I begin by acknowledging the traditional custodians of the land on which we meet today and pay my respects to their elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today. The committee is due to report to the Senate on Tuesday 27 June this year, and it has fixed 14 July this year as the date for the return of answers to questions taken on notice. The committee encourages senators to submit written questions on notice by 16 June 2023 to allow sufficient time to respond.

The committee's proceedings today will begin with the Department of Foreign Affairs and Trade. Under standing order 26, the committee must take all evidence in public session and 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 action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence.

The Senate has endorsed the following tests for the relevance of questions at estimate hearings. Any questions going to the operations or financial positions of departments and agencies seeking funds in estimates are relevant questions for the purposes of estimates hearings. I remind officers that the Senate has resolved that 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 that an officer of a department of the Commonwealth shall not be asked to give opinions on minutes of policy and shall be given reasonable opportunity to refer questions asked of the officer to their superior or to a minister. This resolution does not preclude questions asking for explanations of policy or factual questions about when and how policies were adopted.

Witnesses are reminded of the Senate order specifying the process by which a claim of public interest immunity should be raised, and I incorporate the public immunity statement into *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:** I remind all senators that, as we continue to work and implement the Set the Standard report, as chair I'll ensure that proceedings are conducted in an orderly, respectful and courteous way. An officer called to answer a question for the first time should state their full name and the capacity in which they appear, and I remind committee members and witnesses appearing by video conference and who are not speaking to mute their microphones, and also to have phones on silent as well.

### **Department of Foreign Affairs and Trade**

[09:03]

**CHAIR:** Today's committee proceedings will commence with representatives from the Department of Foreign Affairs and Trade. I'd like to welcome the Senator the Hon. Malarndirri McCarthy, who is representing the foreign affairs minister, and the Secretary of the Department of Foreign Affairs and Trade, Jan Adams. Thank you very much for appearing today, and to your officers. Minister, do you have an opening statement that you'd like to make this morning?

**Senator McCarthy:** I do. Firstly, I'd like to acknowledge that we come together on the lands of the Ngunnawal and Ngambri people and pay my respects to elders past, present and emerging. I thank the committee for its understanding and would like to convey Senator Wong's apologies for not being here today following the passing of her father on Tuesday. In our way we know that sorry business is very sacred business. I'd like to make

some remarks about Senator Wong's work as foreign minister over the past 12 months. Within her first year in office, Senator Wong has visited 29 countries, five of those more than once, and has visited every member of the Pacific Islands Forum and all ASEAN countries except Myanmar. She has renewed many of our closest relationships, made major progress in stabilising our relationship with our largest trading partner, and is making Australia stronger and more influential in the world by ensuring we invest in all elements of our statecraft, including diplomatic power, trade and development.

Senator Wong puts great emphasis on telling Australia's full story to the world, a land that is home to the oldest continuous culture on the planet and to people from more than 300 ancestries. Not only does this make us stronger by enabling us to build on common ground with people around the world, it is also right. All Australians should be included in the story we tell about ourselves.

As a Yanyuwa Garrwa woman from Northern Australia, I appreciated the long overdue recognition of First Nations people as this land's first diplomats and traders when Prime Minister Albanese went to Makassar and talked about the centuries of trading between the people of what is now Indonesia and the Yolngu, the [Indigenous language not transcribed], the Yanyuwa, the Garrwa people, the Groote Eylandt people of Northern Australia and across to the west and across to the east. Senator Wong has made it a priority to elevate the practices and experiences of First Nations people in our international engagement. She's ensured that the world sees First Nations people through our diplomacy. She sent me as her representative to the Pacific Women Lead meeting in Fiji in October, where I secured permanent Australian First Nations representation on the board. Senator Dodson was part of her delegation to the United Nations General Assembly in September. With her colleagues, she's helped ensure Australia has Indigenous parliamentary representation at some of the world's pre-eminent fora, including Dr Gordon Reid MP as the head of Australia's delegation to the Permanent Forum on Indigenous Issues in April, and myself leading the Australian delegation to the UN Commission on the Status of Women in March.

Along with her colleagues, she has also ensured that First Nations engagement has featured prominently in the program of incoming ministerial visitors to Australia. It was an important moment when Minister Burney hosted the US Secretary of the Interior, Deb Haaland, the first Native American woman to serve as a cabinet secretary. Senator Wong has appointed Mr Justin Mohamed as Australia's inaugural Ambassador for First Nations People, the first appointment of its kind in the world. Ambassador Mohamed will lead efforts to help grow First Nations trade and investment, enhance our engagement in the Indo-Pacific region by fostering cooperation on shared interests, and advance Indigenous rights globally.

I want to place on record my appreciation for the way Senator Wong, as someone who is not Indigenous, seeks to approach this area with both curiosity and respect. She's been quick to understand the centrality of traditional custodianship, customs and leadership to the Pacific way as being something Australia should respect in our regional engagement and something we can be sharing with the Pacific family. Elevating perspectives and voices of First Nations people across communities helps Australia build stronger connections across the blue Pacific and beyond with the many countries on their own journeys of reconciliation. I thank the committee. [Yanyuwa language] Yo bauji barra.

**CHAIR:** On behalf of the committee, we express our condolences to Minister Wong and her family during this very sad time. Secretary, do have an opening statement?

**Ms Adams:** With indulgence, yes, I do. Good morning to you and to the committee and thank you for the opportunity to make some opening remarks. The department continues to work hard to deliver outcomes that serve Australia and all Australians in an increasingly complex and rapidly changing geostrategic environment. Since the last Senate estimates in February, we have provided humanitarian crisis support in response to tropical cyclones in Vanuatu, Myanmar, Bangladesh and New Zealand. We've made progress in stabilising ties with China, re-establishing high-level exchanges and dialogues to progress our interests both frankly and directly. We led government efforts to evacuate Australians from conflict in Sudan, helping 278 Australians and their family members depart safely, including on two ADF flights and a number of other UK and other partner country flights, convoys and ferries. The release of Dr Kenneth Elliott after being held hostage for over seven years reflected sustained hard work by many officials in DFAT and other government agencies. They never gave up their effort and their commitment to securing his release. I would like to acknowledge the strength and resilience of Dr Elliott and members of his family through these most difficult of circumstances.

Australians have been travelling overseas in large numbers. From February to April this year, over 1.8 million Australian citizens have departed the country. That's around 86 per cent of 2019 levels. DFAT's consular assistance to Australians overseas has also risen during this period, with new consular cases averaging over 600 per month. Passport demand continues to be around 25 per cent higher than prepandemic levels, but we are

processing over 95 per cent of routine passports within 10 business days and 98 per cent of priority passports within two business days.

Our diplomatic missions and staff in Canberra have supported a high tempo of ministerial and leader-level visits, both incoming and outgoing. DFAT has worked with other agencies to coordinate Pacific policy across all arms of statecraft, economic, diplomatic, defence and development. The \$1.9 billion Enhancing Pacific Engagement package announced in the 2023-24 budget builds on our longstanding contributions to regional stability and response to Pacific priorities. DFAT has played a key role in deepening Australia's ties with South East Asia, including working to elevate partnerships with Vietnam, the Philippines and Laos, supporting extensive consultations by Special Envoy Nicholas Moore to inform the South East Asia economic strategy to 2040, and implementing the \$55.7 million package announced in the budget to deepen engagement in the region.

In the trade and investment space, DFAT continues to work to open up new opportunities for Australian business, including the implementation of the Australia-UK Free Trade Agreement and working to finalise an ambitious and comprehensive trade agreement with the EU. We're continuing work on the Indo-Pacific Economic Framework, with the 13 members concluding a first of its kind agreement to address modern supply chain challenges just last week, and advancing negotiations on a comprehensive economic cooperation agreement with India.

As the committee knows, we're facing an increasingly complex international environment shaped by rising competition, but as the foreign minister has said, we're not passive bystanders. We can shape the kind of region we want to live in. We in DFAT are focused on building the capabilities that DFAT will need to advance Australia's interests and values internationally in this context and to protect and grow Australia's security and prosperity.

The 2023-24 budget supports objectives of the department's capability plan, including through investments in our diplomatic, trade and development opportunities. These measures complement steps that we're taking internally in the department already, including through changes to workforce planning, culture and business processes aimed at strengthening our diplomatic network and lifting capability.

To close, let me acknowledge the hard work of my department's dedicated staff, particularly those who may work in lower profile but vital roles across the department to prosecute Australia's national interests globally in support of our collective security and prosperity. Thank you, Chair and committee. We look forward to your questions.

**CHAIR:** Thank you very much. I'm assuming both you, Secretary, and you, Minister, are happy to table your opening statements? We'll get those circulated to the committee. Senator Birmingham, you have the call.

**Senator BIRMINGHAM:** Just before Senator Chandler kicks off with some questions, Senator McCarthy and Secretary Adams, I wanted to acknowledge both of your opening statements and thank you and officials for being here today. Particularly, Senator McCarthy, I wanted to reflect upon your acknowledgement of Senator Wong's father, Francis, and acknowledge his passing this week, recognise the significant contribution he made to Senator Wong's life and of course how proud he must have been of her achievements. On behalf of the opposition, I wanted to publicly, as many have done privately, extend our condolences to Senator Wong, and our respect for her privacy at this time.

**Senator McCarthy:** Thank you, Senator.

**CHAIR:** Senator Chandler, you have the call.

**Senator CHANDLER:** Thank you, Secretary and officials, for being here today. I just have a few questions first of all about the org chart. The version I have here is effective as at 1 May 2023. Is that the most up-to-date version of DFAT's org chart?

**Ms Adams:** I think I have one that's dated 1 June, which is today.

**Senator CHANDLER:** Could we please have that?

**Ms Adams:** It would be not very different from the one that you would have.

**Senator CHANDLER:** We might run through the version that I have. If the committee could have that 1 June version tabled, I think that might be useful just in reference to some of the questions I'm about to ask. You might be correcting me based on the version you have, Ms Adams. The 1 May version that I have still lists the position of Ambassador for Counter-Terrorism as vacant. Is this correct?

**Ms Adams:** Senator, the Ambassador for Counter-Terrorism, the newly appointed ambassador, has actually commenced work now.

**Senator CHANDLER:** Is that on the 1 June version here?

**Ms Adams:** It should be. Yes, it is.

**Senator CHANDLER:** The Ambassador for Cyber Affairs and Critical Technology—is that position still vacant?

**Ms Adams:** Yes, as of 1 June it is, on the version I have.

**Senator CHANDLER:** Is the Ambassador for Cyber Affairs and Critical Technology position still vacant?

**Ms Adams:** The appointment has been announced, to commence very shortly.

**Senator CHANDLER:** So, the position has been announced but that individual hasn't commenced in the role yet; is that what you're saying?

**Ms Adams:** That's correct.

**Senator CHANDLER:** I'm just cross-referencing these two documents concurrently, so just bear with me. The Ambassador for Arms Control and Proliferation?

**Ms Adams:** We're in the process of making an appointment to that position.

**Senator CHANDLER:** Is that not the position that Mr Biggs holds?

**Ms Adams:** Yes, but he has recently taken up his position as ambassador in Vienna, including to the IAEA.

**Senator CHANDLER:** The only reason I ask is that on your website it still had him listed as the Ambassador for Arms Control, but that might be an oversight that should be corrected. Have any of the ambassador positions under the International Security, Legal and Consular Group been changed since May last year in terms of responsibilities, resources, staff and reporting lines? I just note that there were some vacancies in that list as well.

**Ms Adams:** I might defer to Deputy Secretary Maclachlan.

**Senator CHANDLER:** Thank you.

**Mr Maclachlan:** The short answer is the only change I can think of was the change of the title for Ambassador Lucienne Manton's position to include modern slavery, which was made at some point during the past 12 months. I'd have to get the precise date.

**Senator CHANDLER:** Next one: former Deputy Secretary of Geostrategic Justin Hayhurst was announced as the Ambassador to Japan in December 2022, I believe. Is that correct?

**Ms Adams:** That's correct.

**Senator CHANDLER:** When did he leave that deputy secretary role?

**Ms Adams:** When exactly did he leave that role?

**Ms Walsh:** I don't have the precise date with me, but it was some time ago.

**Senator CHANDLER:** Can you take that on notice?

**Ms Walsh:** I can get that to you.

**Ms Adams:** I think it was the end of last year. He started very early in January in Tokyo.

**Senator CHANDLER:** The version of the org chart I had on 1 May had Ms Lawson as acting in the Geostrategic Group Deputy Secretary role, but this one as of 1 June has her no longer acting and I assume permanent. When was that transition made from acting to permanent?

**Ms Adams:** I conducted a recruitment panel at band 3 level under the normal Public Service procedures, and announced the promotion of Ms Lawson I think two weeks ago, last week or the week before.

**Senator CHANDLER:** In a similar vein, the 1 May organisation chart also lists Mr Brazier as acting Deputy Secretary for the Development and Multilateral Group. How long has Mr Brazier been acting in that role? He's still acting in this role as of 1 June, I note.

**Ms Walsh:** Again, I can get the precise date very quickly, but it would have been earlier this year, I'm fairly confident. I'd need to check.

**Senator CHANDLER:** The version of the org chart that I was looking at from 1 July last year had Mr Rod Hilton acting in that role. How long has it been since DFAT had a substantive or a permanent person in that deputy secretary role?

**Ms Adams:** Since the previous holder of that position, Ms Kathy Klugman, moved to the Prime Minister's office.

**Senator CHANDLER:** Do you have a roundabout date for when that was?

**Ms Adams:** May last year.



**Senator CHANDLER:** When we had the election. Is it usual to have an acting deputy secretary for a period of more than 12 months?

**Ms Adams:** In the Department of Foreign Affairs and Trade, because of the fact that our senior people are also our senior representatives overseas in many cases, I do have a complex organisation to manage in terms of keeping within our staff limits and number of people operating at particular band levels at any particular time, with people moving in and out of overseas positions. But I'm looking to make that permanent as soon as I can. It shouldn't be much longer. I agree; it's been a long time to have people acting.

**Senator CHANDLER:** Is there effectively a recruitment process underway for that role?

**Ms Adams:** The recruitment process that I have conducted was a generic, across-the-board process that could and will be used for various positions as they become available.

**Senator CHANDLER:** I don't suppose you're waiting for an overseas ambassador to come back to that role?

**Ms Adams:** As I say, it's a complicated organisation to run with appointments and people coming back sometimes. But I intend to announce that quite soon.

**Senator BIRMINGHAM:** Does that mean you're recruiting for more than one dep sec or more than one band 3-type level?

**Ms Adams:** As Senator Chandler has pointed out, those two positions have been vacant for some time. So, at least those two.

**Senator CHANDLER:** My 1 May org chart shows that there are a number of key vacancies in the geostrategic section. Allow me to just cross-reference these. Some of these may have been filled in the intervening months. But they were in areas that I think would have been quite critical in the leadup to the visit from Prime Minister Modi and the cancelled Quad meeting over the last couple of weeks. The first one I had on the 1 May chart was Quad and Geostrategic Coordination Branch, India Branch, China External and Coordination Branch, and as mentioned earlier the Ambassador for Arms Control and Counter-Proliferation. Are there any updates to those positions that weren't on the 1 May org chart?

**Ms Adams:** I don't think so, but in those positions we've had experienced people in acting roles in any case. I've been confident that we've covered the agenda without problem.

**Senator CHANDLER:** Ms Lawson?

**Ms Lawson:** Ms Adams is absolutely right. We have competent people serving in all those roles, but we also have a substantive branch head in the China coordination branch that you mentioned.

**Senator CHANDLER:** So, we've still got somebody acting in Quad and Geostrategic Coordination; is that right?

**Ms Lawson:** That's correct.

**Senator CHANDLER:** Yes. India Branch have we filled? Yes?

**Ms Adams:** Yes. India Branch is substantively filled.

**Senator CHANDLER:** Yes. And China External and Coordination Branch?

**Ms Adams:** Yes, that has been filled.

**Senator CHANDLER:** What's the status of recruitment on the Quad and Geostrategic Coordination Branch?

**Ms Adams:** Once again, we operate a complicated, some people call it, chessboard, but we look for the people with the right skills and background of course to fill the jobs. We don't just randomly allocate. We need to take account of when we have returning officers to not have overrecruitment. We have to match supply and demand of positions to some extent. Sometimes that does mean we have periods of acting in between. But the periods of acting are also valuable. It gives us a chance to give experience to our actually often very experienced EL2 cohort to act at an SES level. It's part of an apprenticeship model of training and preparation for taking on roles with heavier responsibilities. So, for me, it's just the reality of how this complicated organisation has to operate.

**Senator CHANDLER:** Obviously, you're very busy recruiting roles, and I can see that from your responses to the questions here today, but I would ask that in future estimates we're provided with a refreshed org chart a little earlier than the day of. That, at least, would mitigate my need to cross-reference between two different documents.

**Ms Adams:** Certainly.

**Senator CHANDLER:** I might give that to the secretariat to table for the committee.

**CHAIR:** Senator Birmingham, do you have any questions?

**Senator BIRMINGHAM:** Secretary, could you table a copy of the 10-year future capability plan, please?

**Ms Adams:** The 10-year capability review I commissioned as an internal management tool. I haven't made it public. I've made it available to staff, of course. I hadn't intended or produced that as a public document.

**Senator BIRMINGHAM:** There are many things, Secretary, that are not produced as a public document but under FOI laws and parliamentary practice that doesn't mean they cannot be requested and tabled. I'll ask the question again. Are you able to table a copy, please, Secretary?

**Ms Adams:** If you would allow me to take it on notice, I can think about any implications of making that a public document. As I say, it hadn't been produced with that intent.

**Senator BIRMINGHAM:** Of course, it is your right to take questions on notice, although there have been questions on notice asked about this. Can I, in particular, in terms of your suggestion that it was not prepared as a public document, ask: are you aware of a *Guardian* story titled 'Australia's diplomatic network has "serious gaps" and needs boost, review warns', dated 8 May 2023?

**Ms Adams:** Yes, I'm aware of that report.

**Senator BIRMINGHAM:** Does that quote from the review that you've just taken on notice in terms of providing it to the committee?

**Ms Adams:** That report quotes selectively and slightly takes out of context a statement that is in the foreword of the capability plan that was written by the late Allan Gyngell AO.

**Senator BIRMINGHAM:** How was that part of the plan released publicly or provided to the *Guardian*?

**Ms Adams:** Not by me; that's really all I can say for certain.

**Senator BIRMINGHAM:** You're telling us that it was a document you commissioned as an internal management tool. Aren't you concerned, given you've come to this committee and said that you're not in a position to provide it to the committee without taking it on notice and considering it, yet parts of it, what you've described as an internal management tool, have been provided to the media? Surely parliamentary process deserves at least as much scrutiny and transparency as do any selective media drops.

**Ms Adams:** With the chair's permission, I'd be able to table the foreword that I've just referenced, the late Allan Gyngell foreword. As I think has been also in the public domain we had the benefit of three external advisors in our development of the internal review, and the late Allan Gyngell AO was one of the advisers, and he wrote in his own name a foreword that I'll happily table. That then provides the context for the quote that you have referenced from the media article. The sentence is that the 'network of overseas staff is stretched to the point of ineffectiveness in some of the areas that matter to Australia'.

**Senator BIRMINGHAM:** The *Guardian* report talks about the reforms that the review apparently calls for, including boosting numbers at diplomatic posts and the like, and he's saying all of that solely comes from Mr Gyngell, who as I've publicly acknowledged made an enormous contribution to Australian public policy and we respect very much his work. Are you saying all of that comes from Mr Gyngell's foreword or were there other aspects of that article that appear to have been briefed covering parts of the review that right now at this stage at least you're not providing to the committee?

**Ms Adams:** We also undertook—and it was discussed at last Senate estimates—an internal diplomatic network review. I think it's well known that it's been the subject of analysis, for example, at the Lowy Institute, for many years that the size of our diplomatic network has not kept pace with the increased pressures and complex geostrategic environment that we're operating in. I think we've acknowledged, including in this place, that as resources allow we would seek to expand our diplomatic network. It's been the case for many, many years not just the last one, and in fact we've been able to begin that process through budget measures in this budget.

**Senator BIRMINGHAM:** Secretary, just on that diplomatic footprint review, the department was asked in question on notice No. 1833 to provide a copy of that review, and the response to that question again described it as an internal management tool. It didn't actually respond directly at all in the answer from the department around the provision of that report or that review. Are you able to provide a copy of that review to the committee?

**Ms Adams:** It's very difficult to do internal reviews if they're all going to be public.

**Senator BIRMINGHAM:** The point of government transparency is just that, that things are transparent in government and less within defined criteria, criteria that are defined either in terms of the FOI Act or in terms of the matters that Senator Ciccone outlined in his opening statement around public interest immunity claims. They're the grounds on which government gets to withhold or seek to withhold information; otherwise the expectation is that government is transparent, even internal working documents and internal reviews. Is there a basis upon which you seek to make a PII claim?

**Ms Adams:** I don't seek to make a PII claim. However, I do want to protect our international relations. Perhaps I could offer a private briefing. I'd really prefer not to have to table that document so publicly. I'll happily brief.

**Senator BIRMINGHAM:** We're happy to engage in briefings, but the department did respond to an FOI request for the diplomatic footprint review. Whilst that response included significant redactions, it did release a version of the document. Why is it that the department has provided greater transparency to a request for this document under FOI than it did to a request for this document from the Senate committee?

**Ms Adams:** The FOI version is there in the public domain.

**Senator BIRMINGHAM:** That's not the question I asked. Why did the department provide greater transparency and responsiveness to an FOI request for this document whilst completely ignoring this committee's request for this document?

**Ms Adams:** We undertook the FOI request according to law.

**Senator BIRMINGHAM:** As you should. But you should also follow the processes and practices established by this parliament in regards to transparency. In fact, we can bring the letter up again, but the Clerk of the Senate makes clear that requests by committees, orders for production of documents by the Senate, those processes, are not constrained by FOI law. Indeed, arguably, the parliament has greater powers for the release of documents than FOI laws. So, yes, you need to follow the law when it comes to FOI, but you also need to show respect to the parliamentary processes. Secretary, can I get a commitment from you in terms of things that are taken on notice today, the two reports that we've just talked about, that when you are considering release of those the department gives full assessment to not how it cannot release something but how it can ensure that it respects the processes of the parliament in releasing documents?

**Ms Adams:** Yes.

**Senator BIRMINGHAM:** Thank you, Secretary. Can I double-check in terms of the release of that document that was provided under FOI but not to the committee: was there any instruction from the minister's office not to release it?

**Ms Adams:** No.

**Senator BIRMINGHAM:** Can I go to what I would assume is part of the response to these internal reviews that we hope to see and learn more of? Can the department break down the costings from page 118 of Budget Paper No. 2 around the enhanced strategic capability that is being provided to the department? What is it that additional funding is to be directed towards?

**Mr Medland:** The budget measure enhanced strategic capability—

**Senator BIRMINGHAM:** Could you either move the microphone a little closer or speak up a little, please.

**Mr Medland:** Is that better? It's for \$80 million to enhance our strategic capability around how we communicate Australia's view of the world and our understanding of our values and principles. It's \$80 million across the budget and forward estimates. As far as a detailed breakdown, that will be a combination of staffing and non-staffing costs. I don't have that with me, but I can take that on notice.

**Senator BIRMINGHAM:** Is there somebody else who can help us there a little in terms of understanding how much of the \$80 million and \$20 million ongoing is staffing versus non-staffing?

**Mr Medland:** I can give you a breakdown of the profile. In 2023-24 it's \$17.3 million. In 2024-25—

**Senator BIRMINGHAM:** We can see that in BP2. That's already publicly released. Here at budget estimates we're hoping to drill down another level in terms of understanding, yes, there's the \$80 million, but how is it actually being spent? What is the department's intention for utilising that funding?

**Mr Medland:** What I can say is that it's funding 25 ASL, and the balance would be for travel and other non-ASL related expenditure.

**Senator BIRMINGHAM:** So it provides for 25 additional ASL ongoing?

**Mr Medland:** Correct.

**Senator BIRMINGHAM:** How are those ASL intended to be deployed?

**Mr Medland:** It will be a combination of domestic, Australian based staff overseas, and locally engaged staff.

**Senator BIRMINGHAM:** So across essentially all categories? Is there a split between those?

**Mr Medland:** They're still being worked through in the internal budget process, but indicatively it would be about 16 domestic and about nine A-based and LES.

**Senator BIRMINGHAM:** Are there particular arms of the department that 16 domestic are intended for?

**Mr Medland:** That's a level of information I don't have.

**Senator BIRMINGHAM:** Is somebody else able to provide that? Ms Spence is nodding.

**Ms Spencer:** Sixteen of the staff will sit within my division, in the Counter Disinformation Branch. This was part of a terminating measure so it continues work we've been previously doing.

**Senator BIRMINGHAM:** Thank you. That's very helpful. So, those 16 in Counter Disinformation; excellent. In terms of the nine A-based or LES, are there particular regions or postings they are targeted for?

**Ms Walsh:** If I may, just in terms of overseas appointments, we would normally engage with partner countries before finalising that. There is indicative, but it's probably a question that we can come back to you on notice once we've had those consultations with partner countries.

**Senator BIRMINGHAM:** Are we able perhaps just to put a regional basis on it?

**Ms Adams:** The weighting of our overseas network is very much with a regional focus, as you know very well. So you would expect the preponderance of our extra effort to be focused on Pacific and Indo-Pacific region. I do repeat what Ms Spencer said. In many cases, this new funding is actually effectively continuing terminating measures. It doesn't really necessarily mean that each position is a new one, but we are in a very intense internal budget process now to work out what we can do within the budget parameters in terms of staffing the overseas network, various priorities, as well as Canberra based.

**Senator BIRMINGHAM:** In terms of those terminating measures, Ms Spencer may be able to help. Am I able just to get the name or budget year of the terminating measure that this is replacing?

**Mr Medland:** I'd need to take that on notice.

**Senator BIRMINGHAM:** If you could, thank you. I'll stick with this measure for a second. Was the future capability plan provided to Finance in order to consider the costings for the enhanced strategic capability?

**Ms Adams:** No, it wasn't that kind of exercise. We did the usual budget process documentation and argumentation for our budget processes. It wasn't a question of costing any other document, just NPPs.

**Senator BIRMINGHAM:** Does this represent the response to the future capability plan?

**Ms Adams:** What I would say is that the plan is long term and reasonably high level. So 'response' isn't really the right word. It's informed by, but I think the budget measures were a response to a combination of things. One was dealing with terminating measures. We had a lot of terminating measures for effectively ongoing functions, such as the foreign arrangements scheme. We can talk in more detail about the composition of the budget funding, if that's what you are interested in. The budget responds to the pressures that we face in our budget, be that from property, communications system, staffing et cetera, not the other way round, not responding to any particular internal document.

**Senator BIRMINGHAM:** Did the future capability plan recommend specific increases in funding?

**Ms Adams:** No.

**Senator BIRMINGHAM:** Did it recommend specific increases in diplomatic footprint?

**Ms Adams:** No, not in specific terms.

**Senator BIRMINGHAM:** Can you give us a sense as to where it focused its recommendations, and how that has informed the response in this budget?

**Ms Adams:** Yes, I can. We decided to really step back and take a look after the extreme disruption of the pandemic. If you're the department that is responsible for running the government's overseas network in an unexpected situation where we closed borders and very closely managed entry and exit of people, then, of course, that had a very big impact on the way that DFAT worked and in fact on individual posted officers and their families. Our work was very skewed to dealing with the impacts of the policies that various countries took, including our own, in the pandemic. I decided that it was important for the department to take stock and refocus on our value proposition for the government and for the people of Australia. What do we do? We do a lot of things, actually, in DFAT, and also to then look at that in a dynamic context. So what is the future going to require of us to maintain our effectiveness and our contribution to statecraft? There's been a lot of discussion, including in Senate estimates, about the sharp geostrategic environment in which we're operating, but, of course, there are also other significant changes that foreign affairs and trade services around the world are grappling with. Artificial intelligence, social media, disinformation is one set of those. Economic security is a big heading for issues that we're grappling with in terms of resilient supply chains, critical emerging technology issues, thinking more about, as the Prime Minister says, our sovereign capabilities in terms of what happens when you get

disrupted global supply chains. What does net zero mean for us? What does climate change mean for us? So it's about those sorts of very big drivers of change and thinking about what skills, capabilities and priorities we will need to be as well placed as we can be to deal with the international context and advancing Australia's interests therein.

**Senator BIRMINGHAM:** If we have time later today we might come back to try to unpack elements of that review and what it found a little more. I missed this in criss-crossing between the two reviews. On the diplomatic footprint review the main part of what was actually released under the FOI claim is an extract, a quote, from Lowy *Interpreter*, which makes assertions around the number of Australian diplomats posted overseas compared to other points in time. Would the department verify its understandings of those claims, such as that Australia has around 90 fewer diplomats posted overseas than it did in 1989?

**Ms Adams:** Sorry? What was the question exactly?

**Senator BIRMINGHAM:** Can the department verify those claims? On what evidence is the department asserting those claims?

**Ms Adams:** I'm sorry? Are you quoting a Lowy Institute report?

**Senator BIRMINGHAM:** No, I'm quoting your report, the diplomatic footprint review. In the very heavily redacted version it quotes an extract from a 2020 Lowy *Interpreter* comment, which says that Australia has around 90 fewer diplomats posted overseas than it did in 1989. I'm wondering whether the department verified that quote and, if so, what evidence are you able to provide for that quote that you chose to put in your own internal review?

**Ms Adams:** I think I'll have to take on notice whether we went back and redid the numbers that the Lowy Institute research quoted.

**Senator BIRMINGHAM:** In broad terms, is that your understanding? Does it reflect any change to the way we apply A-based staff versus LES staff or the like?

**Ms Adams:** Yes, I think we have moved to increased locally engaged staff, particularly in areas like our support staff. We used to have a lot more posted corporate and support staff. I think that's partly a result of technology change. You can do more things digitally and electronically; we don't have as many corporate support staff as we used to posted. I'm hesitant to make too many more generalisations.

**Senator BIRMINGHAM:** You've just completed a review of the diplomatic footprint. I assume that has done some work in terms of looking at how that has changed over time, seeing as at least one of the tiny bits of it that is public is quoting an external body in terms of their assessment of that. What is your understanding, Ms Adams, in terms of the change to our diplomatic footprint? It doesn't have to be since 1989, but over the last decade or two or three, and whether we have more people working in our missions overseas now or fewer people working in our missions overseas now, appreciating that the types of changes you've just indicated mean there will have been balance shifts in relation to A-based versus LES staff.

**Ms Adams:** In some areas, we do actually have fewer diplomats now than we did, say, 10 years ago. There's certainly been a rebalancing. I think my overall generalisation would be that the numbers are probably not dramatically different, but the pressures and the expectations of consular services, for example, have increased. The purpose of the internal review that I commissioned was to ask ourselves if and when government resources became available for expansion, where are the pressures in terms of the different parts of an embassy's work? Is it on the economic side, the trade side or the consular side, and which geographic areas? Given government priorities, melding pressures and priorities, is there a case for rebalancing within existing resources and is there a case for making a case to government for increasing resources in particular areas? I didn't really go back in time and do a time series. It was really looking as per the capability plan, trying to set ourselves up to operate as well as we can with inevitable resource constraints that we, like every other government agency, need to live within.

**Senator BIRMINGHAM:** At present, how many people do we have working in our overseas network, and how is that divided between A-based and LES?

**Ms Adams:** We do have those numbers.

**Ms Walsh:** I can provide those numbers to you. This is a headcount number as at 30 April this year. As to domestic APS officers, we have 3,894; overseas A-based, 951; and locally engaged staff, 2,226.

**Senator BIRMINGHAM:** How is that forecast to change over the forward estimates as a result of this budget?

**Ms Walsh:** As the secretary was saying earlier, we're just going through an internal budget process now in terms of allocating. We did see some additional resourcing come in to DFAT as part of the budget handed down, and we are working through that at the moment in terms of work distributed.

**Senator BIRMINGHAM:** Yes, I appreciate there are elements of internal budgeting to be done, but you've just come through the budget process, where you presented costed proposals to government to secure some of the additional funding. Surely there is some assessment underpinning those costed proposals that gives the detail as to how that overseas footprint of 951 A-based and 2,226 LES will change?

**Ms Adams:** Yes, certainly. The other thing I should point out: the numbers I read out to you, just to reiterate, they're headcount. Of course, in the budget papers it's against ASL. The numbers are going to be slightly different, but I can have the Chief Financial Officer run through the detail.

**Mr Medland:** It's in the order of just over 90, which is a combination of A-based and LES staff.

**CHAIR:** Last question, Senator Birmingham.

**Senator BIRMINGHAM:** Across that roughly 3,170—hoping my maths isn't too far out—combination of A-based and LES, that should go up by around 90?

**Mr Medland:** In the order of that, yes.

**Senator BIRMINGHAM:** Thank you.

**CHAIR:** Secretary, I have a few questions in relation to Sudan. Could you or your department please outline to the Senate the efforts by DFAT and other agencies that have been made to facilitate the departure of Australians who have been and are over in Sudan, given the recent conflict there.

**Ms Adams:** I'm going to ask Deputy Secretary Maclachlan to give the committee the response to that question.

**CHAIR:** Thank you very much.

**Mr Maclachlan:** I think it's fair to say that when violence erupted in Khartoum on 15 April it took us and many of our like-minded partners by surprise. But from that day DFAT was providing consular assistance to Australians in Sudan, in particular through our regional consular officer in Abu Dhabi. We updated the travel advice, and our consular emergency call centre here was fielding calls from families. In the days that followed we mobilised the whole-of-government effort in relation to the crisis by standing up the IDETF, which brings together intelligence agencies, defence, Home Affairs, the Australian Border Force and other agencies to work through some of the challenges of the situation. Our travel advice was amended to 'do not travel' on 17 April. Our messaging was amplified through the actions of ministers, including Assistant Minister Watt, who engaged the Sudanese community, and our registration portal was opened for Sudanese Australians.

As the committee will be aware, Australia has no embassy in Sudan. It was very a complex and fluid situation throughout the focus of those initial three weeks, and that placed a premium on partnerships for us. We have a partnership with the UK. They are our primary consular partner in Sudan. We were engaged with them very early on in the crisis to work out how we could work together to help Australians depart Sudan. We initiated, with others, daily like-minded calls that included partner countries but also key UN agencies. DFAT and defence deployed staff to major like-minded planning centres in the region. These partnerships were particularly important. They enabled us to uplift 278 Australians and permanent residents and their family and enabled them to leave Sudan. That's essentially DFAT acting, in a way, like a travel agent, helping people to connect with like-minded flights initially out of Wadi Seidna, which is an air base just north of Khartoum; getting people onto convoys going from Khartoum to Port Sudan and ferries from Port Sudan across to Saudi Arabia; and enabling reception in other countries bordering the region. I'd like to acknowledge the tremendous assistance we got from our usual partners—the UK, the US, Germany, France, Cyprus—but also the tremendous assistance from Indonesia, Saudi Arabia, Jordan, UAE, Egypt and others.

Australia contributed to this international partnership effort through two ADF flights on 2 May and 4 May. Those flights enabled the uplift of 155 people out of Port Sudan to Cyprus. Of the 155, there were 57 who were Australian, and 98 were citizens of partner countries. They were quite complex operations, in particular for the ADF, DFAT and ABF personnel who were deployed on the flights into Port Sudan, shepherding people and the like. It was also quite complex for the teams back here in Australia, who are in regular contact with clients in the region. The first assistant secretary of the Middle East and Africa division was in direct contact with the general in charge of security at Port Sudan airport to facilitate our access there. I had DFAT Arabic-speaking officers liaising with bus drivers at the same time that we were trying to connect our clients to buses to get them to the airport on the ground. In total we had more than 240 DFAT staff engaged in the crisis at home, in posts and also

deployed to key logistics points, to Butajira, Cyprus, Cairo and Nairobi. Some of that was to facilitate onward travel of Australian citizens from those centres back home. Throughout the crisis, DFAT staff contacted more than 400 consular clients in Sudan and were in contact with hundreds of concerned families back here. That effort in large measure demonstrates the value proposition to the Australian public of the investment in DFAT and its consular services.

Finally, I'd observe the situation is clearly not over. It's volatile. The government has made clear its support for international efforts, particularly US and Saudi efforts, to broker a more enduring peace than we've seen to now. The government announced \$6 million of humanitarian assistance on 6 May. Of course, we are continuing to provide consular assistance to Australians and permanent residents and their family in Sudan. We have approximately 174 clients at the moment, 80 of whom are in Khartoum, 20 of whom are in Port Sudan, many of whom are unable to leave because of family commitments and the like and have chosen to stay.

**CHAIR:** Thank you for that very comprehensive response. It probably also answers a number of my questions, too. I may not have heard, but how many Australians and their family members were actually evacuated?

**Mr Maclachlan:** The number of Australians, permanent residents and their families is 278.

**CHAIR:** That have evacuated? How many have returned to Australia?

**Ms Logan:** At least 150 have returned to Australia of that number, 278.

**CHAIR:** In terms of the other contributions that we've made to the international effort, you mentioned defence assets. Was there any work with the Red Cross too, or do we work with other third parties over in Sudan? What other assistance have we provided?

**Ms Logan:** I'll speak to the consular part of that, but there were international agencies that were part of our daily call groups to share information about the situation on the ground, evacuation options and so on. They were very much part of the multilateral joined-up effort that my team was part of. In terms of assistance, that would be the humanitarian team.

**Ms Delaney:** Mr Maclachlan mentioned the \$6 million that was announced by the government on 6 May. That included a \$1 million contribution to the International Committee for the Red Cross, who we had been working very closely with from the outset. We're getting regular and daily updates from them, including their ability to deliver supplies both into Port of Sudan but also importantly to those in need in Khartoum.

**CHAIR:** I understand the government has also been engaging with the Sudanese community throughout this time to ensure that their concerns are heard and addressed. I was wondering whether you might be able to outline the community engagement that has taken place.

**Mr Jadwat:** Assistant Foreign Minister Watt had spoken to the Sudanese community on three occasions, on 26 April, 3 May and 5 May, and in his meeting on 3 May he met with Sudanese Australians who had been evacuated from Sudan. On those occasions the Assistant Minister supported by officials from DFAT met with members of the Sudanese community.

**CHAIR:** Are you able to provide an update on the current situation in Sudan?

**Mr Jadwat:** Fighting between Sudan's armed forces and the rapid support forces continues throughout Sudan, particularly in Khartoum. Though the true figures are expected to be much higher, as at 29 May over 865 people have now been killed, unfortunately, and over 5,000 people injured. The UNHCR estimates that over 24 million people in Sudan need humanitarian assistance, with 1.4 million people now displaced due to the conflict. This includes approximately one million people internally displaced and over 330,000 people who have crossed over into Egypt, Chad, the Central African Republic, South Sudan and Ethiopia. These numbers are expected to increase. There are also concerning reports of different militias, some of whom represent communities which straddle Sudan's borders, and mercenaries from across the region becoming involved in the violence, and human rights violations and abuses continue to be reported. On 20 May, representatives of the Sudanese armed forces and the rapid support forces signed an agreement in Jedda in Saudi Arabia for a seven-day ceasefire, on 22 May. On 29 May the ceasefire was extended for a further five days. But overnight we've heard reports that the Sudanese armed forces have suspended participation in the ceasefire. Unfortunately, the conflict looks like it's going to be quite a protracted one, and we are concerned about reports of instability spreading across the region.

**CHAIR:** In terms of our contribution to this broader international effort, apart from the defence assets, you mentioned we'd sent officials over as well to assist. Will that also include Australian Border Force or other Commonwealth agencies?

**Mr Maclachlan:** It did. We had ABF officers and DFAT officers deployed on the ADF aircraft when they went into the region. But then, of course, when we were trying to resolve complex family situations, a lot of the work was done here in Canberra, between DFAT and consular staff and ABF Home Affairs staff here, to resolve visas and other citizenship issues to ensure people could evacuate.

**CHAIR:** How many officials worked on the situation in Canberra? How many DFAT officials worked here?

**Mr Maclachlan:** We had more than 240. That was the DFAT staff number.

**CHAIR:** How many flights were there that evacuated Australians?

**Mr Maclachlan:** In total, the number of flights?

**CHAIR:** Yes.

**Mr Maclachlan:** Maybe Ms Logan has the total number. Obviously there were two ADF, but there were a large number of others.

**Ms Logan:** I don't have the total number of partner country flights, but I would say dozens. They were running for the period of the first week of the crisis out of Khartoum, and subsequently it was UK and Australian flights that were operating out of Port Sudan.

**CHAIR:** How many were our flights again? Just two? How many people were evacuated on those flights?

**Mr Maclachlan:** It was 155 people—57 Australians and 98 partner citizens.

**CHAIR:** As to the role of the crisis response team, are you able to flesh that out for me? I'm assuming the team is there to deal with these particular issues?

**Ms Logan:** That's right. DFAT has a permanent roster of staff on a crisis response team rotation, and it means on any given day there is a team ready to deploy overseas in the event of a crisis occurring. They have their grab-bags and are on a plane very quickly. On this occasion we had five CRT members deploy initially to Cyprus to meet the ADF aircraft, and then they deployed into Port Sudan on the aircraft to manage that sometimes difficult uplift logistics piece where there are people at the airport, someone has to clear them, bring out the Australian citizens, passport holders, visaholders, and so on, and then of course also board partner country nationals we were also bringing out, and then those flights landed again into Cyprus.

**CHAIR:** Lastly, what's the current advice at the moment on this, for the benefit of those who might be listening in as well? I'm assuming it's not to travel and to evacuate.

**Ms Logan:** The travel advice says don't travel to Sudan and, if you're there, our advice is to leave. But we recognise, as Mr Maclachlan said, that is in practice difficult for some families who have made the difficult choice to stay for reasons of caring for older family members who are not able to travel. We advise everyone to register on our online registration portal, and that means we can keep in contact with families who are still there. There is the 24/7 consular emergency centre that is always open to calls from people in a difficult situation overseas. But we also have consular case workers in my division who are managing family circumstances, acknowledging that sometimes that is around travel documents; Sudanese passports are very difficult to get. Even if you have an Australian visa, a travel document is essential for leaving Sudan. Also visas, citizenship by descent applications—we're working very closely with Home Affairs on those aspects.

**CHAIR:** Do you liaise with families here?

**Ms Logan:** We do.

**CHAIR:** You may not be in contact with those overseas, but through the families here in Australia?

**Ms Logan:** We do. The next of kin here are really important conduits for us. Indeed we extend loans on occasion to people in need in Sudan who are finding it difficult to access banks and so on in Sudan. What we have been doing is actually extending loans to the next of kin here in Australia who are then able to book flights and so on on those commercial options that are operating.

**CHAIR:** What are the terms of those loans?

**Ms Logan:** Typically they're to repay within six months, but it's very much case by case, and we can defer repayment and do it by instalments and so on.

**CHAIR:** Secretary?

**Mr Maclachlan:** You asked about the number of like-minded flights. There were 14 flights operated by partners on which Australians were uplifted. Partners included Canada, France, Germany, Indonesia, Norway, Saudi Arabia, the Netherlands and the UK.

**CHAIR:** Thank you.



**Ms Adams:** As to Ms Logan's division, the consular division—in fact, we formally stood up the crisis centre, which then becomes a whole-of-department undertaking. It operates 24/7. We do shifts. We have people coming to work on the crisis centre as well as the consular emergency centre. It really does become a focus for the department more broadly than just the one substantial division. I really take the opportunity to thank all of the people in the department who came to work on the crisis when it was a crisis, and for their colleagues who then have to compensate for the fact that we've shifted people into the priority issue of the day. It really is a very big whole-of-government effort that DFAT leads in overseas crises.

**CHAIR:** Thank you for that, and obviously we thank all the staff who have spent a lot of hours helping fellow Australians. Thank you very much.

**Senator BIRMINGHAM:** We indeed acknowledge the critical and potentially life-saving work that many in the department undertook with the help of others in response to this. How many Australian citizens are still known to be in Sudan, and what is the total estimate the department has of how many Australian citizens may be in Sudan beyond those that you do not have registered?

**Ms Logan:** We're aware of 174. That represents around 70 family groups that we are working with, through consular case officers, on sometimes difficult but unique circumstances of each one to try to help them either to come to Australia or to move to a safer place in Sudan if they don't have travel documents.

**Senator BIRMINGHAM:** Do you have a broader estimate in terms of those who may not be registered?

**Ms Logan:** That's our best estimate. Occasionally we hear of some others who are not registered and we quickly register them. We're fairly confident that's a good assessment.

**Senator BIRMINGHAM:** Of those 74 family groups, how many of them are seeking assistance to leave Sudan at this point in time?

**Ms Logan:** Those family groups are all seeking assistance. To give you a sense of some of the complexities, some of them are citizens and passport holders, some of them are visaholders and some of them have neither. It's a question of trying to get them all travel ready and working with Home Affairs to keep expediting visa applications. In some instances families are still lodging applications and citizenship by descent applications for children who have been born in Sudan and so on. It's a complex piece.

**Senator BIRMINGHAM:** What sort of week-by-week success in movement is being achieved at present? Over recent weeks, have you been able both to clear the paperwork hurdles and work through those issues with Foreign Affairs and also then find the means for people to safely leave?

**Ms Logan:** I would say it's slow, steady progress. We have had some successes with families. There's a long way to go. Probably the biggest obstacle now is local travel documents. It's very difficult for people to get Sudanese travel documents when they're visaholders. That is a big line of effort for us, working with families on that and whether there are other ways we can assist.

**Senator BIRMINGHAM:** Visaholders in general need to get a Sudanese passport, essentially, to be able to leave the country?

**Ms Logan:** Yes.

**Senator CHANDLER:** I have some questions regarding the upcoming match the Socceroos are playing in Beijing. In a *Sydney Morning Herald* article published last week on 22 May titled 'How the Socceroos can help Albo boost Australia-China relations', Football Australia said that the deal had the support of the Australian government. I assume that means that the deal has been endorsed by the Department of Foreign Affairs and Trade or the ministry?

**Ms Lawson:** We are not involved in that match.

**Senator CHANDLER:** The Department of Foreign Affairs and Trade has had no consultation?

**Ms Lawson:** Not to my knowledge.

**Senator CHANDLER:** That surprises me somewhat.

**Mr Yip:** We've provided a bit of support to Football Australia in terms of helping with some logistics and advice to them about travelling to China.

**Senator CHANDLER:** I will work through my questions and we'll see if we can get answers for them on the basis of the conversations that you've had with FA. This brings me to my next question quite nicely. Was DFAT briefed by Football Australia or did Football Australia brief any other part of the government about this game in Beijing?

**Mr Yip:** They told us of their intent to play the game in Beijing, yes.

**Senator CHANDLER:** They told the Department of Foreign Affairs and Trade of their intent to play the game? Do you know if they had any further interactions with other government departments? I recognise you can't always know.

**Mr Yip:** A lot of that engagement happened with our embassy in Beijing, so I'm not aware of other engagements with other agencies.

**Senator CHANDLER:** Engagement through the Australian embassy in Beijing?

**Mr Yip:** And DFAT in Canberra as well.

**Senator McCarthy:** As our relationship with China begins to stabilise, a lot of the relationship is largely people-to-people, so perhaps some of those questions could also be for Football Australia.

**Senator CHANDLER:** Football Australia doesn't come to estimates, but I'm sure you'll find a way to get questions to them.

**Senator McCarthy:** I have no doubt.

**Senator CHANDLER:** I'll progress. Were these briefings conducted before or after the deal was concluded?

**Ms Lawson:** The deal with?

**Senator CHANDLER:** The deal for the Socceroos to play a football match in Beijing?

**Mr Yip:** I'm not aware.

**Senator CHANDLER:** Could you take on notice, perhaps, the date of those briefings and conversations. I think it would be good to know when they occurred in relation to this agreement. Am I to take it that DFAT is supportive of the venture by Football Australia to have this game played in Beijing?

**Ms Lawson:** We of course support people-to-people engagement that contribute to the stabilisation of the relationship and more broadly people-to-people engagements.

**Senator McCarthy:** We would want to wish the Socceroos all the best in that game as well.

**Senator CHANDLER:** Well said. I don't think anyone would deny that. The Football Australia CEO told the *Sydney Morning Herald* that the deal to play the game in Beijing came about after they'd been approached by an organisation called China Rainbow International Investment, described as a promotional company, and that the Socceroos would be paid an appearance fee by that promoter as part of the deal. Is DFAT aware of the organisation China Rainbow International Investment?

**Mr Yip:** We don't have direct involvement, as far as I understand it, with the organisation.

**Senator CHANDLER:** Are you aware of the organisation?

**Mr Yip:** Only in the context of them being part of arrangements for this game.

**Senator CHANDLER:** Would it strike you as unusual at all that Football Australia was being approached by this group, which back in November 2022 was describing itself as being involved in power engineering, transport engineering, petrochemical engineering and the donation of a large amount of masks and medical supplies during COVID-19?

**Ms Lawson:** I don't think we can speculate on the motivations of that organisation.

**Senator CHANDLER:** It just seems a little strange that they're suddenly interested in sports promotion.

**Ms Lawson:** Again, I can't speculate on that.

**Senator CHANDLER:** Are you aware of the organisation All China Federation of Returned Overseas Chinese, an organisation which ASPI has described as a peak United Front body?

**Ms Lawson:** I've heard of that organisation, yes.

**Senator CHANDLER:** Is the department aware that until the last couple of days the website of China Rainbow International Investment described itself as being controlled by the All-China Federation of Returned Overseas Chinese, which is a united front body? You weren't aware of that? These references have only been removed from the website in the last couple of days. Do you have any insight as to why China Rainbow might have deleted references to being controlled by the All-China Federation of Returned Overseas Chinese in the last few days, despite apparently describing themselves as such on their website for years up until the last little while?

**Ms Lawson:** No.

**Senator CHANDLER:** Do you have any concerns about the Socceroos and Football Australia receiving money from an organisation which appears, based on its own website, to have close links to the United Front Work Department organisation?

**Ms Adams:** Well, according to your line of questioning, it was a payment for performing a match, a game—a performance fee, as opposed to receiving money in some sort of—

**Senator CHANDLER:** Sure, but it's a performance fee for a match that is being touted as strengthening the diplomatic ties between Australia and China.

**Ms Adams:** By a newspaper, yes.

**Senator CHANDLER:** And by Football Australia, with the strong inference that they're doing so with the federal government's say-so.

**Ms Adams:** We have had various sporting teams play games in China. Of course the Port Adelaide football club played a few games in Shanghai. It was really well attended—actually quite a highlight of Prime Minister Turnbull's trip to China at that time. It must have been 2016. So it's not the first time we've had sporting matches of high-profile Australian football teams of one sort or the other.

**Senator CHANDLER:** Sure, and the issue isn't that we're playing a football match in China; it's that the promoter appears to be associated with the united front.

**Ms Adams:** Well, China's system is quite different to ours.

**Senator CHANDLER:** Quite different.

**Ms Adams:** Often you have organisations that are involved in a lot of things, be they cultural or business interests.

**Senator CHANDLER:** In the article I referenced, Football Australia dismissed concerns from human rights groups, who called the plan 'a slap in the face of the Uighurs'. The CEO said—

**Senator McCarthy:** Excuse me, Chair. Could we have that tabled, please, so we can see the article to which the Senator is referring?

**CHAIR:** Most certainly, Minister.

**Senator CHANDLER:** I can absolutely table the article. I have copies already.

**CHAIR:** I'll have the article circulated.

**Senator McCarthy:** Thank you, Chair.

**CHAIR:** You're most welcome. Fire away, Senator Chandler.

**Senator CHANDLER:** Thank you, Chair. The quote I am reading from is on the bottom of page 3: 'Human rights groups criticise a plan,' et cetera, 'calling it a slap in the face for Uighurs and others targeted by the Chinese government.' But the Football Australia CEO says, 'I would see it as, if anything, a way to create awareness around some of these issues.' Do you think it's likely that a united front linked group is paying the Socceroos to play in Beijing to help raise awareness of the plight of the Uighurs?

**Ms Adams:** As is traditional in Senate estimates, we don't attribute views or opinions or motives to other organisations.

**Senator CHANDLER:** Finally, then, Ms Adams, is it not your understanding that this arrangement has the support of the Australian government, as has been stated by Football Australia; or is Football Australia verballing them here?

**Ms Adams:** I don't think it's a question of—we work with parts of the Australian business community, cultural organisations who have engagements in China, to provide advice, often through the embassy, as well, in Beijing. From our point of view, it's normal business to play our part in the activities that non-government organisations undertake.

**Senator CHANDLER:** But is there any due diligence that you perform over the other organisations that an entity like Football Australia might be engaging with? When they're coming to you and saying, 'We're going to get this deal to get the Socceroos to play in China and here's who we're partnering with,' does the department have any role in determining whether that is an appropriate relationship for us to be building on?

**Ms Lawson:** Senator, we don't scrutinise football match partners. If they approach us for briefing, we're very happy to provide that briefing. If there was any allegation of interference, that would be a matter for other agencies. Of course the government takes any allegation of interference very seriously, or any kind of influence, but that would be a matter for other agencies to address and to speak to.

**Senator CHANDLER:** I think that's all I have on that particular topic. But Senator Birmingham may—

**Senator McCarthy:** Chair, may I just—in conclusion to the questions by the senator—

**CHAIR:** Certainly.

**Senator McCarthy:** I think it's important, obviously, to take on notice some of the concerns that the senator is raising in terms of legitimate operations of any organisation or sporting code that does travel overseas. But I would like to add that Football Australia, in particular the Socceroos, are world class and they are a fine example to our young men and women not only across Australia but around the world. And I sincerely want to put on the record that we have, and I certainly have, confidence in what they're trying to do to build relationships through the sporting code, not only in China but around the country and around the world. I'd like to put that on the record.

**CHAIR:** Thank you very much, Minister. Senator Birmingham, you have the call.

**Senator BIRMINGHAM:** Thanks, Chair. Staying in the domain of sport, seeing as that's where we are, what sort of role can sports diplomacy play in terms of Australia's international engagement?

**Ms Adams:** We've seen over the years so many great examples of Australian sports diplomacy, I don't quite know where to start. But I think back to the Tokyo Olympics. I was fortunate enough to be in Tokyo as ambassador. Even though that was a very strange time with COVID restrictions, I have to say, the work that our Australian sport teams did in connecting with regional communities around Japan, doing training camps, doing host city arrangements, lots of social media—the goodwill and good reputation that they cast for Australia was very, very impressive. I was able to participate in a few events and, frankly, they made us very proud. I will ask Mr Griffiths to add—

**Mr Griffiths:** Thank you, Secretary. Thanks, Senator. Sports diplomacy is part of a number of our identified public diplomacy pillars under our strategy. That includes First Nations diplomacy, sports diplomacy, international visits and program. Specifically on sports diplomacy, we see it really as leveraging our sporting expertise to work with communities overseas—for example, Pacific communities—particularly as we move into the green and gold decade in the lead-up to the 2032 Olympics. There are opportunities there.

**Senator BIRMINGHAM:** So it's an important tool in the toolkit. And indeed, as you've just alluded to, with Australia hosting the Olympics in 2032, and the Commonwealth Games in 2026, from memory, that's very important. Even for the Pacific Games at the end of this year, I would assume there's important near-term engagement. You're nodding, Mr McDonald, and looking enthusiastic to say something.

**Mr McDonald:** I don't know about that, Senator—good morning. It's just that when you're talking sport, it interests me a lot. And of course, Senator, as you've said—

**Senator BIRMINGHAM:** Pacific eyes were no doubt on my home city last night.

**Mr McDonald:** Yes, well, I was very surprised, being such an AFL capital, having rugby league—but good to see. And last night there was certainly a lot of focus from the Pacific on the State of Origin. As you know, that's a very big thing there. Senator Birmingham, as you know from your own trips in the Pacific, sport is very important to our diplomacy and our relationship. This next decade, as Mr Griffiths referred to, is very important. The Pacific are very focused on that, including the Pacific Games in Solomon Islands. It's a very big thing for the region, as you know. So we are supporting, as best we can, the Pacific Games in Solomon Islands. But also sport in the broad, including for women and girls, is particularly important in the region, as well as, of course, some of the elite sports. And I might mention that, as you would know, the Fijian side has been in the competition for two years and won the premiership the last two years. It's a great thing for the region, I think.

**Senator BIRMINGHAM:** Thanks, Mr McDonald. What role does the Sports Diplomacy Advisory Council play in informing DFAT's sports diplomacy strategy and policies generally?

**Mr Griffiths:** Well, it was established in 2020, the Sports Diplomacy Advisory Council, really to provide expert advice on the implementation of the Sports Diplomacy 2030 strategy, which was first launched in, I think, 2019 under the previous government.

**Senator BIRMINGHAM:** And how many members does the council have?

**Mr Griffiths:** The council has 13 members, I believe.

**Senator BIRMINGHAM:** Plus a chair and deputy chair—is that right?

**Mr Griffiths:** That's right.

**Senator BIRMINGHAM:** So it's a 15-member council altogether. And how many members does it have currently appointed to it?

**Mr Griffiths:** I believe there are currently 10 vacancies on that. I know that 10 of the Sports Diplomacy Advisory Council completed their term in December 2022. So let me check, but I believe the number is 10 at the moment: there are 10 vacancies.

**Senator BIRMINGHAM:** So 10 out of the 15 positions became vacant in December 2022. That was an answer that we received back in the supplementary budget estimates responses. None of them have been either reappointed or replaced?

**Mr Griffiths:** No, not as yet, Senator.

**Senator BIRMINGHAM:** Has the council met since then?

**Mr Griffiths:** I'll take that on notice. I don't believe so.

**Senator BIRMINGHAM:** Has the government dropped the ball in this regard? How is it that in a six-month period, two-thirds of the membership of the Sports Diplomacy Advisory Council have been left vacant, the body hasn't met, and yet we've got the Pacific Games as soon as November this year?

**Senator McCarthy:** There's certainly no ball being dropped here on this side of the field. I'd certainly make it clear to the committee that the minister has called for a full review of membership on that. So she's right across it.

**Senator BIRMINGHAM:** What are the details of the review?

**Senator McCarthy:** We can certainly get that for you, Senator.

**Senator BIRMINGHAM:** I'm asking now. Mr Griffiths, Mr McDonald, Secretary Adams, do you want to talk us through who's undertaking the review?

**Mr Griffiths:** Senator, I know advice has been provided to the minister on next steps on the council. We're waiting on the minister's advice on that.

**Senator BIRMINGHAM:** When was that advice provided?

**Mr Griffiths:** I'd have to take that on notice.

**Senator BIRMINGHAM:** Was the department diligent? Did it provide advice at the time that 10 of the 15 members were having their membership expiring back in December last year?

**Mr Griffiths:** I'm not sure, Senator, I'd have to check for you.

**Senator BIRMINGHAM:** Have you got a rough idea, Mr Griffiths?

**Mr Griffiths:** Look, it's been—

**Senator BIRMINGHAM:** Did you provide it last week, or six months ago?

**Mr Griffiths:** This year, certainly, but I'd have to come back to you on a precise date.

**Senator BIRMINGHAM:** And is the department advising in terms of abolishing the council, which hasn't met in the last six months, or is it advising in terms of simply new members that could be appointed?

**Mr Griffiths:** Just the latter, Senator. Usually it's just around the department's advice on—on our boards it does vary, but usually the department would be involved in seeking possible new members and recommending those to the minister for consideration.

**Senator BIRMINGHAM:** So essentially all we're doing is waiting for the minister to decide and make recommendations about who is appointed?

**Mr Griffiths:** Yes, Senator, I think that's correct.

**Senator BIRMINGHAM:** So it's not really much of a review, Senator McCarthy. It's a standard reappointment.

**Senator McCarthy:** Senator, let me remind you that in 12 months, the minister has travelled to 29 countries, five of them twice. She has done tremendous work in trying to engage with those countries, where the opposition, as we know, have downsized on so much of our outreach across the country, across the world. So please—

**Senator BIRMINGHAM:** Senator McCarthy, would you—

**Senator McCarthy:** If I may, Senator Birmingham—Senator Wong is fully across this and knows that having sporting relationships and diplomatic relationships through sports is critical. We all know that. So, yes, we are more than happy to provide further information to you when the senator is back.

**Senator BIRMINGHAM:** Senator McCarthy, how many additional posts were opened across Pacific island nations by the previous government?

**Senator McCarthy:** Well, I can certainly tell you what Senator Wong has done in terms of—

**Senator BIRMINGHAM:** You just made a statement that the previous government had downsized. I'm asking you to validate that statement.

**Senator McCarthy:** I can certainly get that information for you.

**Senator BIRMINGHAM:** Mr McDonald could answer it right now.

**CHAIR:** Senators, come on.

**Senator McCarthy:** We can certainly get that information to you.

**Senator BIRMINGHAM:** Mr McDonald could answer that question right now.

**CHAIR:** Senator Birmingham, thank you. Can we just return to some order. We've got 10 more minutes until we get to the morning tea break.

**Senator BIRMINGHAM:** Mr McDonald, how many additional posts did DFAT open across the Pacific over the last decade?

**Senator McCarthy:** I'm talking about around the world, Senator Birmingham, in terms of my earlier response. We've come into government with the necessity to try to improve relationships, in particular in the Pacific. We've seen the amount of work that's been done by Senator Wong in the Pacific, in particular with Solomon Islands. So I'm just saying to you that in terms of sporting diplomacy, Senator Wong is across these issues, and all these travels that she's made will include that. We can provide you with further information once she's back on deck.

**Senator BIRMINGHAM:** Senator McCarthy, it doesn't look like that when two-thirds of the membership of an advisory council has been sitting vacant for more than six months and it hasn't met in that time, notwithstanding the fact that this is the year the Pacific Games will be held, that we're advancing towards the Commonwealth Games and that we're advancing towards the Brisbane Olympics. This is a time when you would expect to see action and drive in relation to taking advantage of sports diplomacy. And that doesn't appear to be happening. And that should be a matter of concern.

**Senator McCarthy:** Listen, what I am saying here is that Senator Wong's visits to 29 countries in 12 months—

**Senator BIRMINGHAM:** I'm not disputing that, Senator.

**Senator McCarthy:** No, but this is my explanation to you in terms of the amount of work that she's done and the engagement that she's doing with all of those countries, knowing that these areas, including sports diplomacy, are critical. I am saying to you that she has not dropped the ball. Our government has not dropped the ball on this, and we will provide you with further information once she is back on deck.

**Senator BIRMINGHAM:** Mr McDonald, just for the record, in terms of the question I directed to you before—

**Mr McDonald:** Senator, we have a post in every Pacific Islands Forum member country. And in the last decade, from my recollection—I'll check—there were another five posts opened. On sports—

**Senator BIRMINGHAM:** We're still the only nation to have a post in every Pacific Islands Forum nation?

**Mr McDonald:** In every Pacific Islands Forum member, yes, we are. Also, Senator, in terms of consultation on sport and the Pacific Games, you will be no doubt aware of the announcement the government made for over \$16 million towards the Pacific Games, by Minister Conroy, a month or two ago. But also on all the visits, including the bipartisan visit, which we're very pleased that you were able to be part of, we're talking to countries about those priorities, and of course, sport is one of those priorities, including their ability to participate in the Pacific Games. We've been listening to those conversations and we've been adjusting the budget in the Pacific to align with those priorities, including sport. And that's one of the reasons I talked earlier about some of the areas that we're supporting. Netball, for example, is a big focus in the region. Each time we're talking throughout the region, we're adjusting those priorities according to those needs. I'd say there have been around 40-odd visits into the region in the last 12 months, of which I've participated in quite a number with either the PM, the DPM, Minister Conroy or the foreign minister. And I think in each of those we've been able to get a good understanding of those priorities. So I just want to assure you we are listening and we are responding to those needs, including the Pacific Games.

**Senator BIRMINGHAM:** Thanks, Mr McDonald. Has the Sports Diplomacy Advisory Council been consulted about that announcement of funding for the Pacific Games?

**Mr McDonald:** I can't answer that. We can take that on notice. But what I can say is that it was a direct request from the Solomon Islands government for us to support the Pacific Games. We looked at that request and aligned that against the priorities in the budget and consequently made an announcement to support them. That announcement also goes to supporting dormitories for people to live in that will later form part of education and the support for schools in the region. So in some of these, there's an opportunity to have a joint use of those facilities as we've funded those for the Pacific Games.

**Senator BIRMINGHAM:** Mr Griffiths, are you aware whether the residual members of the advisory council have been consulted at all in relation to Australia's additional support for the Pacific Games and how we might best leverage that as part of our sports diplomacy strategy?

**Mr Griffiths:** I'm not aware, Senator. As Mr McDonald said, we'll take that on notice. The SDAC doesn't have responsibility for making decisions on departmental funding, so it's an advisory body only. But, as mentioned, we'll chase that up for you.

**Senator BIRMINGHAM:** It's unlikely, though, seeing as you confirmed before that they haven't met since last December. Is there a meeting scheduled?

**Mr Griffiths:** I don't know, Senator. I'll have to check on that for you.

**Senator BIRMINGHAM:** How is Australia leveraging its support of the Pacific Games to enhance participation opportunities of other Pacific island nations?

**Mr McDonald:** I might start on that. We have a Pacific AusSports program across the Pacific. We, as I said earlier, are aligning those to the priorities of those countries, depending on where their expertise is. As you know, some countries focus on football or soccer, as it's called, others on rugby union or rugby league and, as I said earlier, netball. We've had a big focus on women's and girls' participation as well. That's a big focus for Australia. Cricket is another area that we focus on. Of course you've seen PNG and others participate in the world cup and the like. So there's a balance here between grassroots sports development through the program, as well as trying to bring those through the elite sporting program. And there's a big focus, of course, on wanting to participate at the elite level in the Olympics or Commonwealth Games or, of course, in the Pacific Games. So we're adjusting that. We've got a good program. I think it's very well received out there. As you said earlier, it plays a big role in our diplomacy. So, yes, I think it's very important.

**Senator BIRMINGHAM:** Mr Griffiths, has Minister Wong met with the council at all prior to the December expiry of two-thirds of its membership?

**Mr Griffiths:** I don't know, Senator. I'd have to check for you.

**Senator BIRMINGHAM:** Do you know whether she's spoken with the chair at all?

**Mr Griffiths:** Again, I don't know. I have spoken with the chair. I had a meeting. I've been in this job a few months, just this year, so it must have been, I would say, within the past two months. But that was just an introductory meeting, really, just a courtesy.

**Senator BIRMINGHAM:** So you're not aware if there's been any engagement by Minister Wong with the chair about the apparent review of membership that she's undertaking?

**Mr Griffiths:** No, I'm not aware, Senator. I'd have to take that on notice.

**Senator BIRMINGHAM:** By Minister Conroy or Assistant Minister Watts?

**Mr Griffiths:** Again, I'm not aware of any engagement, Senator, but I'll take that on notice for you.

**Senator BIRMINGHAM:** You would presumably be aware if it had occurred; you would have prepared briefs for such discussions?

**Mr Griffiths:** Well, it could have happened. As I mentioned—

**Senator McCarthy:** We've just said we'll take it on notice, Senator. We will take it on notice for you.

**Senator BIRMINGHAM:** Are there any forward activities scheduled for the council?

**Mr Griffiths:** I don't have the agenda of the council with me, Senator, so, again, I'll have to chase that up for you.

**Senator BIRMINGHAM:** Is there a meeting scheduled? Surely you would know that, Mr Griffiths.

**Mr Griffiths:** No, that's one I will take on notice. I think I mentioned that before, Senator.

**Senator BIRMINGHAM:** Surely there's somebody here who knows whether a meeting is scheduled.

**Mr Griffiths:** I'm sure there would be a meeting upcoming; I just don't know when that is, so I will have to check for you.

**Senator BIRMINGHAM:** Really? You're sure there would be a meeting upcoming, even though it's only got five out of 15 members at present?

**Mr Griffiths:** Well, it's an active body.

**Senator BIRMINGHAM:** It's an active body that hasn't met for six months and has two-thirds of its membership missing. That's your definition of an active body?

**Ms Adams:** We'll take your questions on notice.

**Senator BIRMINGHAM:** It doesn't sound like a body that is being supported to be active at present, Mr Griffiths. It sounds like an inactive body—one that the department should put priority on reactivating.

**Senator McCarthy:** We'll take it on notice, Senator.

**Proceedings suspended from 10:57 to 11:14**

**CHAIR:** We will recommence. Senator Steele-John, you have the call.

**Senator STEELE-JOHN:** Mr Smith, the High Commissioner to the United Kingdom, has now visited Mr Assange in Belmarsh Prison and seen the, to put it politely, unsatisfactory, conditions in which he is being held. Has anything been done to have Mr Assange transferred to a detention facility that is more humane and less punishing, given his mental and physical condition and the fact that he has not been charged with or convicted of any offence?

**Mr Gerard:** Yes, I can confirm that the High Commission was able to visit Mr Assange on 4 April. It was our first face-to-face meeting with him since 2019. At that, we were able to briefly discuss his welfare. I can't say much else without breaching Mr Assange's privacy, but we do continue to convey our expectations to UK authorities that he's entitled to humane and fair treatment, access to proper medical care and access to his legal team. And we continue to work with Mr Assange and his legal team on issues surrounding his welfare.

**Senator STEELE-JOHN:** Would the minister be able to explain what the word 'resolution' means in the context of the Assange matter? The Prime Minister has repeatedly said that they want to see a resolution to the matter. What does that mean in this context?

**Senator McCarthy:** Both the Prime Minister and the foreign minister have certainly expressed their views to the UK and US in terms of Mr Assange's ongoing incarceration. It's quite clear that the Prime Minister has said that enough is enough; it has dragged on too long. A resolution would obviously be one where Mr Assange is with his family once again.

**Senator STEELE-JOHN:** Does the government have an established time frame for taking steps to secure the resolution it seeks?

**Ms Adams:** Senator, I don't think there's anything further to add to the comments that have been made by the Prime Minister and foreign minister about our position. We've made our position clear. We will continue to do so.

**Senator McCarthy:** Senator, as I said, the Prime Minister has been on the public record saying this has gone on way too long. And so, of course, the sooner the better.

**Senator STEELE-JOHN:** If the High Court rules against permission for Mr Assange to appeal his legal case in the UK, he will be extradited within days to the United States. It is clear that he will not survive time in US prison. Does the department have a plan to act for when the High Court makes its ruling?

**Mr Gerard:** Senator, as you know, Mr Assange has sought leave to appeal to the UK High Court that decision on extradition. It's a matter for him and his legal team, but he does have further appeal options after that. But the Australian government is not a party to those proceedings; nor can we intervene in them.

**Senator STEELE-JOHN:** But it is the belief of his legal team that should this appeal be denied, he will be extradited. And I can tell you now, from the multiple meetings I've had with his family and legal team, they are of the view that he will not survive US detention. This is an Australian citizen who will die in carceral settings. So I'm asking you: is there a plan, should that appeal be denied, for Australia then to act based upon that decision?

**Mr Gerard:** Really, I can just reiterate our position, which is that we've conveyed on a number of occasions, both publicly and to the governments of the US and the UK, that it's our view that this case has dragged on for long enough and should be brought to a close.

**Senator STEELE-JOHN:** Mr Assange is a neurodivergent person and so the conditions in which he is being held in Belmarsh are particularly inhumane. They're inhumane for anybody, but for a neurodivergent person even more so. Did the high commissioner make it clear in his meeting or has the department expressed explicitly its view that these conditions are inappropriate for a neurodivergent person?

**Mr Gerard:** Senator, we have visited Mr Assange and we continue to talk to his legal team about his welfare.

**Senator STEELE-JOHN:** Now, what action is the government taking to ensure that products produced by forced labour—shown to be using forced, bonded or indeed child labour—are not being dumped into the Australian market?

**Senator BIRMINGHAM:** Sorry—can I just ask one question on Mr Assange? You're steering off, Senator Steele-John.



**CHAIR:** Are you happy with that, Senator Steele-John?

**Senator STEELE-JOHN:** I am happy, but I hope it's not deducted off my time.

**Senator BIRMINGHAM:** It's just a quick clarification; that's all. Mr Gerard, has Mr Assange, following the high commissioner's visit, reassessed his position in relation to the Australian government providing consular assistance to him? And what are the implications either way of that position?

**Mr Gerard:** Senator, Mr Assange provided his consent for us to visit, so, in essence, that was a change in position from Mr Assange. As I've said at estimates before, we had written on 45 separate occasions seeking his consent to visit. So that's been provided to us. We do hope to undertake another visit, but we'll do that with the consent of Mr Assange and in discussion with his lawyers.

**Senator BIRMINGHAM:** He consented to a one-off visit. In terms of your normal routine provision of consular assistance to an Australian, has Mr Assange consented to that, or is that still a matter that he withdrew consent from some time ago and has not revisited?

**Mr Gerard:** There's been no change in the status of that since 2019, Senator. Mr Assange in 2019 withdrew his consent for us to inquire about his welfare with UK authorities. Since that time we've sought assurances from time to time, and that remains the position.

**Senator BIRMINGHAM:** Okay, so the department and the government does that, in essence out of its own concern, but does not have the usual consular permission from an Australian to undertake those more detailed inquiries or representations?

**Mr Gerard:** That's right, Senator.

**Senator STEELE-JOHN:** What action is the Australian government taking to ensure that products that are produced by forced labour are not being dumped in the Australian market?

**Ms Manton:** The government is committed to ensuring that the supply chains we use do not promote, condone or financially support modern slavery. You may be aware that on 25 May, the government tabled a report on the statutory review of the Modern Slavery Act. The review supports commitments to consider options to strengthen the act and to establish an anti-slavery commissioner. The commissioner will work across government, industry and civil society to support compliance with the act and to improve transparency in supply chains to help fight modern slavery in Australia. The review, and the government's response, is being led by the Attorney-General's Department. The Department of Foreign Affairs and Trade looks forward very much to engaging with the recommendations of the review as a first step in strengthening Australia's response to combat modern slavery.

**Senator STEELE-JOHN:** In the previous parliament, the crossbench proposed a piece of legislation that would have implemented a forced labour ban on imported goods. That bill was supported at the time by the Labor Party. Minister, do you recall that in the previous parliament?

**Senator McCarthy:** I certainly do recall many debates around modern slavery. I'd have to get some notes on that, Senator Steele-John, to look at the specifics of that bill again.

**Senator STEELE-JOHN:** Thank you, Minister. On 28 April the I lodged on behalf of the Greens an amendment to be made to the Customs Legislation Amendment (Controlled Trials and other Measures) Bill, which would give—

**Senator McCarthy:** You're talking about this year now?

**Senator STEELE-JOHN:** Yes, 28 April. This amendment would give the Senate another opportunity to implement a forced labour ban. And I'm happy to say that it has the support of Be Slavery Free, of Human Rights Watch, of various different Australian Uighur groups, the Australian Tibet Council and the Salvation Army. Has the government yet formed a position on the amendment that was circulated on 28 April?

**Senator McCarthy:** I can certainly take that on notice and check for you, Senator Steele-John. I appreciate your interest in this area. I was on the original committee to introduce the Modern Slavery Bill into the Australian parliament and the Senate. We travelled extensively across the country and around the UK, in particular, to look at the laws there. I'll certainly get back to you on what our latest position is.

**Senator STEELE-JOHN:** Thank you. There's a lot of, I think, hope in the community, particularly the diaspora community, among Australian Uighurs and Australian Tibetans that the government will join with them and the Greens in supporting this amendment.

**Senator McCarthy:** Thank you, Senator Steele-John. As I said, I'll get back to you on the latest.

**Senator STEELE-JOHN:** Thank you. Thank you, Chair.

**Senator BIRMINGHAM:** Can we go to Ukraine? DFAT's portfolio budget statement essentially has the word 'Ukraine' twice but within two sentences of one another, the main thing just being a statement:

We continue to have a fundamental national interest in supporting Ukraine...

What is Australia's strategy in relation to our support for Ukraine?

**Ms Adams:** Senator, I think the defence elements of that were covered extensively in defence estimates yesterday. But I'll defer to my deputy secretary Ms Chan for further comment.

**Ms Chan:** Senator, the government has continued to be very active in order to show our support for Ukraine and to also show our support for international efforts to ensure that Russia pays a cost for its illegal and immoral invasion of Ukraine. Since June 2022, last year, the government's taken a number of actions along these fronts. The government has committed significant additional military assistance across multiple branches, as you would have heard in the last couple of days. That includes 50 additional Bushmasters, critical training for Ukrainian recruits and an agreement with France to provide 155-millimetre ammunition. The government's also allocated \$19 million to support Ukraine nationals in Australia fleeing the war. That's happened in two tranches, both in October last year and before that in August. There's been \$8.7 million to assist Ukraine's state border guard service to upgrade border management, mid last year in July. And the government has imposed further financial sanctions on more than 200 individuals and entities, in multiple tranches, to maintain pressure on Ukraine and its partners to end its war. And that includes targets in key sectors of the Russian economy, as well as those involved in the transfer of drones from Iran to Russia.

There have been a number of further trade measures as well. That includes a ban on the import of Russian gold last July, a ban on the export of machinery to Russia in May, and price caps on Russian oil and refined petroleum products in December and then February this year. The government also extended the 35 per cent tariff on goods imported from Russia and Belarus last October. The government's also pursued international legal accountability through a number of avenues. That includes filing an intervention at the International Court of Justice in support of Ukraine's case against Russia. That was in late January this year. We've also taken all opportunities to reiterate our view that China should use its unique position to press Russia to end its illegal invasion. That has included, for example, by the foreign minister. And there are a number of other measures.

**Senator BIRMINGHAM:** Thanks, Ms Chan. There are a few different parts of that we'll seek to unpack over the minutes or hours to come through the course of the day. The Treasurer said just days before the budget, on 5 May:

We are a big supporter of the Ukrainian efforts to repel the Russian invaders and that will be represented in the budget.

What additional measures were in this year's budget to support Ukraine?

**Mr Cannan:** Senator, you may recall from the defence evidence given yesterday that the budget outlined a range of measures in the defence space related to announcements that had been made in the lead-up to the budget.

**Senator BIRMINGHAM:** The budget provided for a number of announcements that had been made well prior to the budget, some of which Ms Chan just included in her statements. Did the budget provide for any new or additional support for Ukraine?

**Mr Cannan:** Only the additional support that in effect funded those announcements that had been made prior. From an announcements perspective—

**Senator BIRMINGHAM:** Much of which had been announced last year.

**Mr Cannan:** Understood.

**Senator BIRMINGHAM:** So the budget didn't provide anything new in terms of unannounced support that was to be announced in the budget. Has the budget provided any provisioning for additional support to be made available?

**Mr Cannan:** Not in the DFAT portfolio, no.

**Senator BIRMINGHAM:** Not in the DFAT portfolio and, as we established yesterday, nor has it in the defence portfolio. In fact, just in one area of the DFAT portfolio, when was the last commitment of humanitarian assistance to Ukraine made by an Australian government?

**Mr Cannan:** In terms of humanitarian assistance, there were a series of announcements made in 2022 totalling \$65 million in total in humanitarian assistance to a range of organisations and trusted partners.

**Senator BIRMINGHAM:** Were they made before or after the election in 2022?

**Mr Cannan:** Senator, they were made prior to the election in 2022.

**Senator BIRMINGHAM:** They were. Minister, why is it that there has been no additional humanitarian support provided to Ukraine since the election of the Albanese government?

**Senator McCarthy:** Senator, I certainly reject the assertion that there's been no support. I think it's really unfortunate that you continue to play politics in this space on an issue that we do need bipartisan support for. What we have done, Senator—

**Senator BIRMINGHAM:** Sorry, Senator McCarthy, were you not listening to Mr Cannan just then?

**Senator McCarthy:** Chair, the senator has a question and if he doesn't like my response, I'm not going to change it to suit his need.

**CHAIR:** Order! Thank you, senators. Senator Birmingham, the Minister was actually providing you with a response. I'll allow the minister to provide that response.

**Senator McCarthy:** As I was saying, Chair, before I was rudely interrupted, it's unfortunate that the coalition chooses to continue to play politics in this space, when we have, from the moment Prime Minister Albanese became the Prime Minister—visited Ukraine quite early in his prime ministership. And we know, ever since June in particular, the kinds of support that we've provided. We heard with defence yesterday—with 50 additional Bushmasters, \$19 million to support Ukrainian nationals in Australia fleeing the war, \$8.7 million to assist Ukraine's state border guard service. If that's not tremendous support, I'm not quite sure where the senator is going with this line of questioning.

**Senator BIRMINGHAM:** Senator McCarthy, the precise question I asked you wasn't seeking to play politics; it's simply seeking to get a statement from you in response to a matter of fact that was just established with Mr Cannan before: why is it that there has been no additional provision of humanitarian assistance to Ukraine since the election of the Albanese government—that the only assistance committed by Australia on the humanitarian side to Ukraine has been the \$65 million that was provided and announced prior to the election of the Albanese government?

**Senator McCarthy:** Senator, you really are playing politics here. You know the tremendous amount of work—

**Senator BIRMINGHAM:** Am I not allowed to ask a question, Senator McCarthy?

**Senator McCarthy:** and support that is going to Ukraine. And you also know that we do have the ability to provide further information to you. I just think it's unfortunate that you haven't accepted my response.

**Senator BIRMINGHAM:** You haven't responded at all, Senator McCarthy. The words 'humanitarian assistance' haven't passed your lips.

**Senator McCarthy:** Chair, I've given a response.

**CHAIR:** I know you have. Senator Birmingham, do you have further questions on this subject matter?

**Senator BIRMINGHAM:** We certainly do. What requests has DFAT received from Ukraine in terms of additional assistance?

**Mr Cannan:** Senator, I would make the point that the Australian government broadly receives a range of requests from the government of Ukraine in a range of different forums and channels. It's not necessarily the case that requests for assistance come to DFAT, but there have been a range of requests made to government. If you've got some specific questions, I can seek to address those.

**Senator BIRMINGHAM:** Is there a coordinated government approach in terms of engagement with Ukrainian officials and the consolidation of requests for assistance?

**Mr Cannan:** There is in the normal course, as you would expect, of government consideration on these sorts of matters coordination across the whole of government involving relevant agencies, and obviously the Department of Foreign Affairs and Trade is a part of that coordination effort.

**Senator BIRMINGHAM:** And how is that coordination brought together? Is there an IDC? What nature of structure have we put in place to ensure that particularly, presumably, PM&C, DFAT and Defence are working in lockstep?

**Mr Cannan:** Typically, it involves meetings between agencies, emails and communication in the normal way that you would expect, depending on the particular issue that we're considering in relation to Russia and Ukraine. On sanctions, it would involve a range of different organisations and agencies and areas within DFAT. On other issues, such as defence cooperation, it would obviously involve the Department of Defence.

**Senator BIRMINGHAM:** So there are the normal ad hoc processes of departmental coordination and engagement that occur. Has there, in the more than one year since the war began, been a coordinated structure established of some sort, an IDC or the like?

**Mr Cannan:** Senator, in terms of a formal IDC, we have held IDC interagency style meetings on a number of occasions since the invasion in February 2022, yes.

**Senator BIRMINGHAM:** But there is nothing structured in an ongoing way in that sense? Do you have a regular program of joint agency briefings, meetings to ensure that there is that coordination and constant engagement from Australia?

**Mr Cannan:** We don't have something like a fortnightly IDC, if that's what you're meaning, Senator, no; it's not structured like that.

**Senator BIRMINGHAM:** I find it surprising that type of structure, given now the longevity of this war, hasn't been put in place to ensure that there is a constancy of focus from Australia in terms of our support and how we go about providing that support. Is there consideration of further humanitarian assistance to Ukraine being undertaken?

**Mr Cannan:** This is something that we expect the government may consider, but at the moment there's no current consideration. But, as I said, we will continue to consider requests that come in from the Ukrainian government as they come in. Should the government of Ukraine make a formal request for humanitarian assistance, or indeed any other form of assistance, we would consider that and liaise across government in reaching a decision.

**Senator BIRMINGHAM:** Is it important that requests are considered and support provided in a timely way?

**Mr Cannan:** Yes, it is.

**Senator BIRMINGHAM:** Is the department aware of the request Ukraine has made in relation to additional military assistance for Hawkeis, for example, and for tanks, for example?

**Mr Cannan:** We are aware of requests that have been made from the Ukrainian government for military equipment, yes.

**Senator BIRMINGHAM:** Is it a concern that Australia hasn't responded to those requests as yet?

**Mr Cannan:** This is a matter for Defence, Senator. I think, as was discussed in estimates yesterday, Defence is indeed considering future military assistance to Ukraine, building on the significant assistance, more than \$500 million, that has been provided thus far—making the point that when it comes to our assistance to Ukraine, a particular focus has unsurprisingly, as you would expect, Senator, been on the provision of military equipment in line with the wishes of the Ukrainian government and in line with the actions of other partners. That has been significant, and consideration will be given of course to providing further assistance, as has been articulated by our colleagues in Defence yesterday.

**Senator BIRMINGHAM:** Defence were actually pretty clear yesterday that, like your department, they don't have any provisioning for additional military assistance. Has DFAT seen the public statements by Ukrainian ministers, Ukrainian departmental agencies, including on social media platforms, and the Ukrainian ambassador now publicly campaigning, effectively, for Australia to provide additional support, particularly military assistance, by way of Hawkeis and tanks?

**Mr Cannan:** Yes, we have seen those statements and messages in relation to Ukraine's understandable interest in obtaining military equipment from across the globe, including from Australia. Yes, we have seen those statements.

**Senator BIRMINGHAM:** Indeed, even one posted on Twitter this morning from the Ukrainian defence department:

We need Australia in the tank coalition of free nations.

Dear Australians, this message is for you:

Each and every tank we receive from Australia will help us break through the enemy's defenses—and as a result, regain our land and save the lives of our people.

Isn't it a little embarrassing and certainly concerning that we seem to be at the point where Ukraine is having to run public campaigns to try to convince Australia to consider these requests for additional support?

**Senator McCarthy:** Isn't it embarrassing that your backbenchers speak so badly of the Ukrainian leader on the floor of the Senate?

**Senator BIRMINGHAM:** Now can we deal with the question.

**Ms Adams:** Senator Birmingham, I watched the defence estimates yesterday, so I know that the questions about military assistance have been well and truly covered in those sessions. As the Department of Foreign Affairs and Trade, I don't have anything to add to what the Department of Defence evidence has put on the record.

**Senator BIRMINGHAM:** But this now goes beyond just the defence-to-defence request for assistance. This is now a public campaign being waged by Ukrainian government and officials, presumably out of frustration because they haven't managed to get a response from Australia. It speaks to our standing in the world; it speaks to our perceived support of Ukraine; it speaks to the responsiveness of the Australian government. Isn't that something that DFAT should be concerned about too?

**Ms Adams:** There are government-to-government communications. But as regards the specific requests on military equipment, I repeat that I have nothing to add from this portfolio's perspective to what was said yesterday by the Department of Defence.

**Senator BIRMINGHAM:** I know that Senator Van has some questions specific to DFAT.

**Senator VAN:** Ms Chan, has the government's policy on Ukraine changed since the election last year?

**Ms Chan:** The government's policy continues to be strong support for Ukraine's territorial integrity and sovereignty and to provide assistance for Ukraine to be able to resolve this on their own terms, and to continue to condemn Russia's illegal and immoral invasion, which is a breach of international law and the UN Charter.

**Senator VAN:** Then can you explain why in your testimony just a little while ago you said that you are to maintain pressure on Ukraine and its partners to end its war? Doesn't that point to a change in policy—that, rather than supporting Ukraine, you're trying to get it to a ceasefire to negotiate an end to this war? I was surprised myself that you said that.

**Ms Chan:** I'm not sure I actually said that.

**Senator VAN:** I have *Hansard* right here. I'm very happy to table it. You may wish to correct the record.

**Ms Chan:** I would like to correct it. Our support to Ukraine is to enable it to resolve the conflict on its own terms, and we provide assistance to be able to do that. As I said, we strongly condemn Russia's illegal and immoral invasion of Ukraine, which is contrary to international law and the UN charter.

**Senator VAN:** I would hope so. Thank you, Ms Chan. I am glad you cleared that up. Ms Adams, DFAT is seeking, I think, \$36 million to build a new post in Abuja, Nigeria; is that correct?

**Ms Adams:** If you will allow me, I will ask for—

**Senator VAN:** The numbers are irrelevant for my line of questioning, but you are opening a new post in Abuja; is that correct?

**Ms Adams:** I will defer to the Overseas Property Office.

**Ms Pitson:** Yes, we have funding to construct a new chancery and residence in Abuja.

**Senator VAN:** The department should be aware that I also sit on the Public Works Committee, which had a hearing into that allocation of funds. It was very interesting. There was a Mr Marshall in attendance, who gave evidence to that committee on the threat assessments and risk assessments and the approach of the department to how they harden—I think that was his term—posts overseas that might be under threat. I can quote a couple of pieces to you, but obviously it is all available to you on *Hansard*. He said:

At each level, we have a range of measures in place that ensure that we can deny, deter or detect any adversaries and thereby protect our people, our information and our assets.

Is that same sort of assessment done on the embassy in Kyiv?

**Ms Adams:** All of our overseas posts, of course, have a range of security measures; you are absolutely right. Some lessons were learned after the very awful Jakarta bombings, where it became clear that we did need to harden a lot of the physical buildings and physical barriers for embassies, particularly in some places. The degree of security required does vary place by place.

**Senator VAN:** Indeed. Mr Marshall addressed that:

... in terms of the methodology that we apply, that's well developed and well tested in all sorts of challenging threat environments globally.

So how is the embassy in Kyiv different from Abuja or other countries that may or may not be in a warlike state?

**Ms Adams:** I think it is clear that there are different sorts of threat environments. There is no other country where Australia has an embassy in an actual war zone, and certainly none that have drone and missile strikes occurring.

**Senator VAN:** Again, Mr Marshall addressed that point. He said:

Within the broader threat vector of terrorism, as you've identified, there is a range of specific activities that could occur. So he said that the methodology your department applies covers all sorts of challenging threat environments globally.

**Ms Adams:** Indeed.

**Senator VAN:** So why is Kyiv different?

**Ms Adams:** Kyiv is different because back in April 2022 my predecessor took the decision to withdraw from Kyiv and relocate the embassy to Warsaw because of the uncertainty that is evident and the clear risks to work health and safety. From the current perspective, to make a decision to resume or relocate back into Kyiv does require a very thorough security risk assessment. Unfortunately, I have to say the uncertainty and evident risks that were underpinning that decision to relocate have not improved and, if anything, have intensified and deteriorated. So, as soon as the conditions allow, I will be very pleased to relocate back into Kyiv. It is very hard to speculate when that might be. I don't think it is this week.

**Senator VAN:** I don't think it is going to happen at all under this government. Do the work health and safety measures that you talked about apply in all embassies?

**Ms Adams:** We are subject to Australian law. We don't have an exemption for operating overseas in conflict areas or anything specific like that. The Department of Defence, I think, does, but DFAT doesn't.

**Senator VAN:** So when a diplomatic convoy making its way through Baghdad is hit by an IED, do you not take the same level of risk assessment and work health and safety issues? I haven't heard that we have closed or relocated our Baghdad post, have we?

**Ms Adams:** Baghdad has, over the years, previously had very high co-location with Australian Defence Force assets. It has been located in military compounds and, more recently, has the security provided by fairly extensive and expensive contracts.

**Senator VAN:** Has DFAT requested defence to provide security for the embassy in Kyiv?

**Ms Adams:** Not as a security provider as such, but in Baghdad we had an ADF presence. It was a quite different circumstance. We don't have defence presence over the border like many of the NATO countries do.

**Senator VAN:** But we don't border Iraq; we don't border Afghanistan—

**Ms Adams:** No, but we—

**Senator VAN:** There are lots of countries that we have had embassies in that have had security threats, and you haven't relocated them.

**Ms Adams:** Each one has its own circumstance. As I say, I don't recall too many embassies that we have had that have not been embedded in an ADF presence that have been subject to missile and drone strikes.

**Senator VAN:** Are you aware of the piece written by Mr Harris and Mr Galloway in the *Sydney Morning Herald*, after I put these questions to you at last estimates, that quote some of your staff saying that your approach to the embassy in Kyiv is a 'total joke'? I can table it if you want.

**Ms Adams:** I am not sure I am aware of that.

**Senator VAN:** Chair, I will table this for Ms Adams and *Hansard's* benefit.

**CHAIR:** We will circulate a copy of that article for the benefit of the officials at the table.

**Senator VAN:** It is clear, is it not, that it is either your decision—you are not taking advice from your staff on this—or is it the minister's decision that has forced you to not follow all the protocols that your department has said it must follow for all other posts?

**Ms Adams:** I don't accept the premise of the question. I am the accountable authority—

**Senator VAN:** When your own staff say it is a total joke—

**CHAIR:** Senator Van, please allow the secretary to at least respond to your initial question. Secretary, you have the call.

**Ms Adams:** Thank you, Chair. Of course, I take advice of my department—the security as well as overseas property office areas of the department—very seriously. As you say, we also do operate in many challenging environments. We take very seriously staff safety and security, of course. I haven't been forced to do anything by anybody.

**Senator VAN:** Then I put it to you that this is just further evidence that this government has abandoned Ukraine in its war efforts.

**Senator McCarthy:** Chair, given that is not a policy question, the answer is no.

**Senator STEELE-JOHN:** Minister, you will be aware that on 19 May the Australian community became aware that the Iranian regime had executed Majid Kazemi, along with a group of other individuals that had been charged, falsely, with subversive activities against the Iranian state. The reality was that they were folks pushing for democracy and justice in Iran. I speak as a political sponsor of Mr Kazemi and an honoured friend of his family, particularly here in Australia.

I want to begin my line of questioning by reading directly a statement that has come from his cousin, Mohammad, to contextualise what the family is experiencing at the moment. He's asked me to share that since Majid was murdered, the special police have been terrorising the family in Iran: 'They have prevented my family from having a funeral for Majid. They have not even been allowed to mourn. My family have tried to gather at his mother's house to grieve. The Iranian special forces have stormed her house and beat up my family members, arrested Majid's two brothers and sisters and smashed everything. Majid's brothers are still in prison. They—the Iranian authorities—have even stopped Majid's father's superannuation and, after releasing Majid's sister, have fired her from her job.' Can you please provide to the committee the formal representations that were made to Iran by the Australian government prior to the execution of Majid.

**Senator McCarthy:** Senator Steele-John, before I go to the department for those formal questions of yours, I would just like to put on the record—again, as I know Senator Wong has—that we certainly deplore the events and activities in Iran, particularly executions, which are absolutely abhorrent. We certainly are very aware of many families who are suffering, and we will continue to advocate for the end of that kind of barbaric treatment. I will go to the department for a response to your questions on process.

**Ms Chan:** More broadly, Senator, we are deeply concerned about Iran's human rights abuses, including the treatment of women and girls, ethnic and religious minorities and LGBTI people, as well as the high number of death sentences and executions in Iran, including for juvenile offenders. We strongly condemn and deplore the heavy-handed repression of protesters by the Iranian authorities and stand in solidarity with the people of Iran, who have demonstrated immense courage in the face of this. You referred to the execution of what is now seven protesters. As you know, Australia opposes the death penalty in all circumstances for all people, and we call on Iran, as we have repeatedly, to halt all executions. We will continue to work, domestically and with our partners, to hold Iran to account.

In the lead-up to the execution of Majid Kazemi, Saleh Mirhashemi and Saeed Yaqoubi on 19 May, the Australian government repeatedly called on Iran to stop all executions immediately and establish a moratorium on its use of the death penalty. I will just list a few of the more recent ones, but they have been numerous. For example, on 10 May, DFAT called in the Iranian charge by phone and raised our deep concern about reports of their imminent executions. The foreign minister also tweeted that day:

Australia condemns Iran's barbaric abuses of human rights and reaffirms its call on Iran to immediately cease all executions.

Australia opposes the death penalty in all circumstances for all people.

We will continue to work with partners to hold Iran to account.

After that phone call we also called in the Iranian charge on the 16th and emphasised that the Australian government was deeply concerned by the human rights situation in Iran; that we condemned the regime's human rights abuses, including the heavy-handed repression of protesters and its abhorrent use of the death penalty; that we stood in solidarity with the Iranian people; and that we will continue to advocate strongly in support of their human rights. We also said that we remain concerned about continuing reports that Majid Saleh and Saeed were facing execution and that the Australian government called on Iran to stop all executions immediately and establish a moratorium on its use of the death penalty. On 16 May the Foreign Minister released the following tweet:

Australia has called Iran's Charge to demand an end to executions.

Our Embassy delivered the message to the regime directly today.

I requested the same when I spoke to Iran's FM in March.

We'll continue to use every strategy at our disposal towards upholding human rights.

Our post in Tehran also reinforced our position on the death penalty through their channels on the ground.

**Senator STEELE-JOHN:** Thank you, Ms Chan. You are very right to name the courage of the Iranian people in pushing for democracy for women, for life and for freedom in Iran. I would also extend to that the incredible

courage that has been shown by the Iranian diaspora here in Australia, who have been relentless in raising their voices, and family members of those who are imprisoned and facing the most horrendous of consequences. Members of Majid's extended family have been very active in advocating for him, and I had the pleasure of meeting with Mohammed Hashemi when he came to the parliament seeking a meeting with the minister in relation to Majid's case. Was the minister aware that Mohammed had literally taken the trouble to come to Parliament House to try to speak to the minister or the department about Majid's situation?

**Mr Jadwat:** Minister Wong hosted a roundtable event on 15 February for members of the Iranian community, and my understanding is that Mr Hashemi attended that roundtable and met with the minister.

**Senator STEELE-JOHN:** Yes, and that was in February, and we are now talking about that time in May when he was specifically here to talk about Majid's case, in the building, desperately seeking a meeting with the minister, with the department, about this case. Were you aware that he was in the building?

**Mr Jadwat:** I would have to take that on notice, but, in relation to Mr Hashemi, we have had regular conversations with him, including members of the department. I can take it on notice in terms of his particular appearance at Parliament House, but certainly we have been in regular contact with him.

**Senator STEELE-JOHN:** This family has lost so much and is experiencing so much grief, and it is not over for them, as it is not over for so many others here in Australia and across the global diaspora. Majid's brothers, as I mentioned, are imprisoned still. Is the government willing to engage in advocacy for the release of Majid's brothers from the hands of the regime?

**Mr Jadwat:** Senator, we will continue to press the Iranian regime on all of the issues you mentioned. We constantly remind them of the need for them to uphold human rights, and we have condemned them on a variety of occasions, as Ms Chan has pointed out, including after 19 May and after those executions, and we will continue to do that, I can assure you.

**Senator STEELE-JOHN:** Mr Hashemi has been very critical of the Australian government's advocacy in relation to Majid. He has publicly voiced those criticisms through the ABC. What is the department's response?

**Mr Jadwat:** In relation to Mr Hashemi's concerns, obviously, we express our sympathy to him and to members of his family. It is appalling what happened to not only his family members but also the others who were executed. The Australian government will continue to press the Iranian regime on all of these issues.

**Senator STEELE-JOHN:** Is the government considering further sanctions on Iranian officials in relation to ongoing executions?

**Mr Jadwat:** Senator, we don't speculate on sanctions that we may or may not be considering, but we have been working on expanding our autonomous sanctions so that they can be expanded to cover more individuals and entities.

**Ms Chan:** I would just add that our sanctions regime on Iran remains under constant review.

**Senator STEELE-JOHN:** I understand that. I guess I would express my frustration that in the lead-up to Majid's execution we continually attempted to facilitate a meeting between Minister Wong and Mr Hashemi, to provide the latest information but also as an active acknowledgement of the distress and grief that the family was experiencing. And I do share, deeply, the disappointment that this man, representing this family, was in the building, literally, unsure whether, as he was speaking to me, Majid was being murdered. He made that effort, he put in that emotional labour, but neither the minister nor anyone from the department was able to find the time—even five minutes. It is not acceptable really, is it?

**Mr Jadwat:** I was not aware of Mr Hashemi being at Parliament House and requesting a meeting with any officials from DFAT on that day, but, as I said, we will take it on notice.

**Senator STEELE-JOHN:** You could have checked the *Guardian* live blog and found that out, but okay.

**CHAIR:** I have a couple of questions with respect to the Afghanistan Locally Engaged Employee Program. I understand that a review commenced in November of last year. I think there is an update today. Is that your understanding as well? I think a report has been released to the department's secretary. Can the department provide the committee with an update with respect to the Afghan Locally Engaged Employee Program?

**Mr Walter:** Yes. Senators will recall that the Senate Foreign Affairs, Defence and Trade References Committee undertook an inquiry into Australia's activities in Afghanistan and in its interim report recommended that a full and independent review be undertaken in relation to the Afghan LEE program. That was announced by the government late last year. Dr Vivienne Thom was invited to undertake that review and did that. She reported to government in late March of this year and the report went live on our website very late last night, but it has been announced today, including the government response.



**CHAIR:** Can you tell me a bit more, please.

**Mr Walter:** Dr Thom looked at a number of aspects of the program, particularly focused on the implementation of the program by this department, the Department of Defence and the Australian Federal Police. She made a range of findings in relation to our administration of the program. I think it is fair to say that she found a number of shortcomings in relation to the administration of the program, broadly consistent with what the Senate committee also found. These included, for example, poor recordkeeping, insufficient legal oversight and inconsistent application of the legislative instrument as between agencies, and some communication issues and delays. She was also concerned about past approaches to certification of contractors under the scheme, as well as the treatment of a number of the exceptions in the legislative instrument, which included security guards. I can update the committee that, overnight, as of 12.01 am, the legislative instrument underpinning the scheme has been amended to remove the exclusions that applied to security guards and other officials.

**CHAIR:** Did the review find that the program had been implemented in line with the original intent?

**Mr Walter:** As I said, it was predominantly focused on our administration and where that could have been done better. However, particularly in relation to the treatment of contractors and in relation to security guards, it found, particularly with the contractors, that in the past a too-narrow approach had been applied to the assessment of contractors under the scheme. That is not the case now, and she found that DFAT's current practices, in particular, are consistent with the instrument. In relation to security guards and other officials, she was quite careful, because ultimately it is a policy call for government as to whether the instrument should be amended. However, she did strongly hint that we should look at it again and consider whether it meets the current policy objectives, and the government has done that.

**CHAIR:** Could you just reiterate for me, and the record, what was the original intent of the program?

**Mr Walter:** It was established in 2012, and the intent of the program, as expressed by ministers at the time, was to fulfil Australia's moral obligation to assist those who had assisted us with our mission in Afghanistan. In essence, the program is designed to give priority consideration for humanitarian visas to locally engaged employees who worked with the Australian mission and who were at risk as a result of their work with the Australian mission in Afghanistan.

**CHAIR:** Obviously, I have not read the report or the government response, but, from your evidence, a number of the concerns that were raised by the Senate committee inquiry were borne out in the report, I assume?

**Mr Walter:** That is correct, yes.

**CHAIR:** That is good to know. Apart from the irregularities in historic decision-making, what other areas of concern were identified? Was there any consistency with how the instrument was interpreted, the identification or evacuation of the LEE?

**Mr Walter:** A couple of issues were identified through the report in that regard. Certainly, as the Senate committee also identified, there were different approaches taken by, essentially, the two key departments involved in the administration of the program, and that is this department and the Department of Defence. Although we have been working hard for some time to correct those, that was certainly something that was found. One of the challenges with the legal instrument we have is that it uses a particular term, 'employed with', which is different to 'employed by', and departments understandably tried to put some flesh and bone around that, and there was a little bit of inconsistency there.

**CHAIR:** Is that the same with the term or the treatment of contractors? You mentioned security guards.

**Mr Walter:** Security guards have been different in that they were expressly excluded from the instrument. Contractors become a little difficult, because of this term 'employed with'. We have now put in place guidelines around the factors that we will look to establish whether an individual had been employed with the Australian mission. To give you a couple of those, it is the level of direct support they provide to Australia, the public profile of their employment, the duration of their service, the extent to which they were under, for us, DFAT's control and guidance, and the location of their work.

**CHAIR:** How many recommendations did the review make?

**Mr Walter:** There were eight recommendations. Seven of the recommendations go to the current administration of the program, all of which have either been implemented or are ready or in the process of being implemented. One goes to the design of future programs of this nature, setting out principles that should be taken into account in designing those future programs.

**Senator PATERSON:** I have some questions about a conference taking place in Melbourne next week called the Post Pandemic China-Australia Economic Cooperation Forum. Could any officials familiar with that come

forward? It is being sponsored by the China Chamber of Commerce in Australia and it is to be held in Melbourne next week.

**Ms Adam:** I don't think we know anything about that conference, I'm afraid.

**Senator PATERSON:** That is interesting. So you wouldn't be able to tell me whether there are any DFAT officials attending that event?

**Ms Lawson:** Senator, no.

**Senator PATERSON:** There was an archived version of the program on line, which is no longer on line, which said that a senior representative from DFAT was attending. That may not be the case. This group may just be claiming that someone from DFAT was attending.

**Ms Lawson:** We are not aware of anyone attending from DFAT, Senator.

**Senator PATERSON:** Okay. There has been a bit of media coverage about this event, which I will come to in a minute, but, for your background, one of the sponsors for this event is the China Institute for Innovation and Development Strategy. Alex Joske, in his book *Spies and Lies*, says there are very strong links between the Ministry of State Security, China's principal foreign intelligence agency, and this body. Mr Joske did not have the benefit of parliamentary privilege when he wrote his book, so I can go a step further and say it is a front group for the MSS, very clearly. It is founded by Zheng Bijian, who coined the term 'China's peaceful rise', which we now understand to be a Ministry of State Security influence operation. He is the former executive vice-principal of the Central Party School of the Chinese Communist Party. Taking into account that you are not familiar with the event—

**Senator McCarthy:** Sorry, Senator Paterson, can I just clarify something? Do you have a copy of the conference? Is that something we could have a look at?

**Senator PATERSON:** I do have some papers. I am happy to table them, but I am not sure the chair would want me to table all of them. It might be better that I provide them to the department—

**Senator McCarthy:** So it is not just the agenda you have in front of you there?

**Senator PATERSON:** It might be better if I provide it to the department after this so they can consider the information in it and what they wish to do with it. The forum is sponsored by this group, which is an MSS front group. It will be addressed by Mr Feng Wei, who is the vice-chairman of the group. As a matter of principle, is it appropriate for a Ministry of State Security front group to be involved in organising a conference in Australia?

**Ms Lawson:** Any questions relating to intelligence engagement should be addressed to relevant agencies. The Department of Foreign Affairs—

**Senator PATERSON:** Yes, I can and will pursue it with them in other forums, but it has been suggested to me that DFAT is attending and speaking at the event. One of the diamond sponsors for the event is China Construction Oceania, which is a fully owned subsidiary of the China State Construction Engineering Corporation. That company may or may not be familiar to officials, because it was blocked from acquiring the Australian construction company Probuild on national security grounds. Again, as a matter of principle, is it appropriate for a company blocked by FIRB for a national security risk from acquiring an Australian company to sponsor a forum held in Australia?

**Ms Adam:** There are very different tests that would apply to those different circumstances. Companies of all sorts, from various countries, might not have foreign investment approvals granted, for various reasons. It is not a probity test of any sort.

**Senator PATERSON:** It was on national security grounds.

**Ms Adam:** That entity is a Chinese SOE. We, of course, know who you are referring to. MSS is part of the Chinese government, part of the Chinese state, with whom we have diplomatic and other relationships. But, in terms of appropriateness to sponsor a conference that isn't a DFAT conference and doesn't have DFAT participation in it, I really don't have any comment.

**Senator PATERSON:** I would just be grateful if you took on notice the DFAT participation, because you weren't aware of it, in case there is someone from DFAT who was planning to attend.

**Ms Adam:** Certainly.

**Senator PATERSON:** Are you aware there have been some media reports in the *Herald Sun* that the Victorian Premier, Daniel Andrews, will be speaking at this event?

**Ms Adam:** No.

**Senator PATERSON:** Did the Premier consult DFAT about whether or not it would be appropriate for him to speak at this event?

**Ms Adam:** Not to my knowledge.

**Senator PATERSON:** Is it normally the sort of thing you would hope or expect a state premier or state government would seek DFAT's advice on?

**Ms Adam:** In his own jurisdiction, no, I wouldn't expect that, to be honest. If it were in China or overseas, it might be a different matter.

**Senator PATERSON:** The Victorian government clearly doesn't have expertise in foreign influence or foreign interference, as has been well demonstrated on a number of occasions. Wouldn't it be prudent for the Premier to seek advice before speaking at a conference co-sponsored by a front group for an intelligence agency?

**Ms Adam:** Obviously, I am not going to speak for the Premier or about decisions that they take, apart from saying that, actually, we do have very serious and consistent discussions with state governments about matters of foreign interference and foreign influence; they are two different things. We have, of course, as you are extremely well aware, legislative provisions to safeguard our security in that regard. So we have serious discussions and engagements on issues in general, but that does not mean it is every particular event that might happen across the country.

**Senator PATERSON:** Could you just take on notice whether there was any contact between the Victorian government and DFAT in relation to this event, whether it is related to the Premier attending and speaking at the event or just more generally about this event being held? This is not just a united front group. This is an MSS-sponsored group. It appears that the main purpose of CIIDS, the China Institute for Innovation and Development Strategy is elite cultivation and recruitment. Just to give some examples, one of its senior advisers is Lin Di, who is a former bureau chief of the MSS in the United States, who led the United States operations on behalf of the MSS. It appears pretty transparent what it is, and all this is just from open source information, I stress. None of this is sourced from classified intelligence. Do we need to have a more robust process in place for assessing potential events like this if state governments—Victoria or elsewhere—are just unwittingly wandering into participating in them and giving them credence?

**Ms Adam:** I think I will go back to the basic point that was made earlier about other agencies, other national security agencies, also having prime role in matters that might be foreign interference in that damaging sense.

**Senator PATERSON:** I will provide the information that I have directly to the department. I encourage you to consider whether DFAT has had any involvement in this, and if you could advise me about that I would be grateful. I will move on to another matter. Can you confirm whether Australia is yet to issue any sanctions for a significant cyber incident under the Magnitsky framework?

**Ms Spencer:** We are yet to issue any sanctions under that scheme.

**Senator PATERSON:** In response to a question on notice following the previous round of estimates, DFAT confirmed that it, 'routinely provided advice to minister on possible sanction measures, including cyber sanctions'. I know you cannot provide the content of the detail of that advice, but can you tell me on how many occasions DFAT has provided advice to the minister on possible cyber sanctions?

**Ms Spencer:** The government may consider imposing sanctions when the criteria are met and when it is in the interests to do so. Cyber incident investigations are complex and understanding what has occurred takes quite a bit of time. We work on a case-by-case basis to consider all the factors in imposing sanctions, and we don't publicly speculate around whether or not we are going to—

**Senator PATERSON:** I know, and I didn't ask you to. I am just asking in this instance how many times DFAT has provided advice to the minister.

**Ms Spencer:** Could I take that on notice?

**Senator PATERSON:** That would be good. If you could provide on how many occasions and on which dates any advice was provided, that would be helpful. To go to some specific examples, the Australian Cyber Security Centre last week joined with its Five Eyes partners to publicly attribute a cyber attack to Volt Typhoon, a People's Republic of China entity. I asked ACSC about this in estimates earlier this week, and they said they did seek DFAT's advice as part of this public attribution, and that ultimately it is a decision for the Minister for Foreign Affairs, in conjunction with the Minister for Home Affairs, to make a decision about public attribution. Could you just confirm that is correct?

**Ms Spencer:** That is correct, and we have extensive briefing and consultation across government, including, obviously, the Ministers for Defence, Home Affairs and Foreign Affairs, on these issues.

**Senator PATERSON:** Has any advice been sought or provided about whether cyber sanctions could be applied to the Volt Typhoon entity?

**Ms Spencer:** As I said previously, we don't comment on potential sanctions activity.

**Senator PATERSON:** I want to move on to the Medibank attack. The AFP Commissioner has said that they have identified the hackers responsible for that and have provided the information to the Russian government, but the Russian government is refusing to act. And the Australian Signals Directorate told estimates this week that they have provided technical advice to DFAT about the perpetrators of this attack as part of assisting in possible cyber sanctions. What can you tell me further about the government's consideration of that matter?

**Ms Spencer:** I really cannot add anything further to that information. I understand it is a matter for the AFP in terms of the investigations. What I would say is that we expect Russia to fully cooperate in the Medibank cyberattack investigation, according to its obligations under Interpol information-sharing arrangements. But the AFP would be better placed to comment on that further.

**Senator PATERSON:** It appeared from the answer I got from ASD that the individual perpetrators in this hack—and it is consistent with the advice from AFP—have, in fact, been identified. Is there any reason why we wouldn't choose to issue sanctions on these people, given that we concurrently have issued many sanctions on Russian government officials?

**Ms Spencer:** We can't comment any further on that. What I have said previously is that these investigations are incredibly complex and, particularly with significant cyber incidents, there are a whole range of steps that lead to the incident, which may or may not be coming from one individual. It may be a range of individuals.

**Senator PATERSON:** Moving on to another topic, as you maybe aware, the Australian Defence Force, the Australian Federal Police and the Australian Border Force have all grounded their fleet of DJI-made drones in response to questions on notice I put to them. DFAT has told me, in answer to question on notice 1736, that you have 13 units provided by DJI and a further two at Austrade. Has any decision been made at DFAT to cease using these products?

**Mr Talbot:** Yes. As we indicated in answer to that parliamentary question on notice, we do indeed have some of those devices, but we are in a process at the moment of replacing that equipment.

**Senator PATERSON:** Are they still currently in use?

**Mr Talbot:** They are, Senator, and it is important to know that we did do a risk assessment on them and they are not in areas that would cause us concern. They are specifically used for public diplomacy.

**Senator PATERSON:** You said they were in the process of being replaced. I presume they will be replaced with non-DJI products?

**Mr Talbot:** That is correct, Senator.

**Senator PATERSON:** What is the reason for replacing them?

**Mr Talbot:** We are going through a process at the moment of ensuring that, in line with recent Defence and other directions, we are removing any devices that are products of concern.

**Senator PATERSON:** Great. Thank you. What is the time line for that replacement?

**Mr Talbot:** We need to deal with supply chain issues at the moment, but we will be working as quickly as we possibly can to replace those devices.

**Senator PATERSON:** I will move on to another topic. Secretary, how important is it that our missions adhere to the Public Service standards of non-partisan ship and political neutrality?

**Ms Adam:** How important? It is important.

**Senator PATERSON:** Good. I am pleased to hear that. Does that apply to social media accounts operated by our missions?

**Ms Adam:** Yes.

**Senator PATERSON:** Later on this year Australians will be asked to vote in a referendum to change the constitution to insert a voice to parliament. It is obviously the position of the Labor Party, which forms government, that we should do so, but it is now a contentious and partisan political issue in Australia. There have been a number of occasions on which the Australia House Twitter account in London has retweeted politicians from the Labor Party, including the Prime Minister, the Foreign Minister, Ms Burney and others, where they advocated for this change to the Constitution. Is it appropriate to share what is, effectively, partisan political content on that account?

**Ms Adam:** I think it is appropriate for our Australian government representatives overseas to amplify government positions, but we aren't, as diplomats, advocating in our own work.

**Senator PATERSON:** I think it would be difficult for a lay follower of the account to understand that, given that this is political content posted by a politician, which is being shared by a Public Service account. But it is not just retweets. Australia House itself has tweeted summaries of the High Commissioner's comments at events, where he talked about the desire to enable a voice for First Nations people. Again, that appears to be advocacy of a position which is subject to a referendum, which the Australian people have to make a decision about. Is that appropriate?

**Ms Adam:** I haven't actually seen the content that you are referring to, so I am not going to characterise it.

**Senator PATERSON:** I will provide it to the secretariat to be tabled so that you can consider it and I would be grateful for your response to the content on notice.

**Senator STEELE-JOHN:** Minister, the Greens believe Australia should be a firm friend of the nation of India and its peoples. Is that a view shared by the government?

**Senator McCarthy:** I would like to think that we would try to be friends with a lot of countries that are trying to do the right thing in supporting their citizens.

**Senator STEELE-JOHN:** And that would include India, in the government's view?

**Senator McCarthy:** Yes, of course.

**Senator STEELE-JOHN:** One of the things about friendship is that it should enable and facilitate tough conversations, honest conversations between friends, particularly when one or both of the friends involved in the situation has done something wrong. It is very clear to me, and I think many members of the Australian community, that, in relation to the government of the nation of India, led by Narendra Modi, there are significant human rights concerns in relation to the policies of his government, and the current experiences of particularly minorities within India, whether they be Muslim, Kashmiri, Sikh or Dalit, outside of the caste system. These concerns have been amplified and validated by some of the world's most legitimate human rights organisations, from Amnesty International to Human Rights Watch. In the lead-up to the Prime Minister's meeting with Prime Minister Modi, in the lead-up to his visit, no less than 30 human rights organisations, unions and other organisations wrote to the Prime Minister on 23 May expressing their desire to see either the Prime Minister or the Foreign Minister raise these human rights concerns with Prime Minister Modi. Human Rights Watch did so, I think, about eight days before the meeting. So which of these very many concerns were raised by the Prime Minister, or the Foreign Minister, in the course of their meetings with Prime Minister Modi?

**Senator McCarthy:** Thank you, Senator Steele-John, for your important questions. I will refer to the department.

**Ms Lawson:** Thank you, Senator. Yes, you are right. We do have a very strong and frank partnership with the Indian government. As you say, where we have those strong partnerships, we are able to raise concerns frankly and directly. As you know, Australia has a consistent position on human rights, and we do raise concerns with a whole range of partners—that includes India—and we will continue to do so. We have raised human rights concerns with the Indian government on a very wide range of occasions in the past year, including during high-level meetings and visits. Of course, those concerns will include concerns around freedom of expression, freedom of assembly and other concerns. The Australian government has also raised human rights concerns in multilateral settings. That includes during the most recent universal periodic review.

**Senator STEELE-JOHN:** Just to confirm, during the Indian Prime Minister's most recent visit to Australia, the PM did raise human rights concerns?

**Ms Lawson:** Yes, he did.

**Senator STEELE-JOHN:** Which, specifically?

**Ms Lawson:** Senator, I won't go into the detail.

**Senator STEELE-JOHN:** For example, in the last year India has fallen on the Reporters Without Borders register in terms of press freedom. India has fallen behind Afghanistan in terms of that organisation's assessment of the safety of journalism and journalists. Were concerns around press freedom raised with the Prime Minister?

**Ms Lawson:** Senator, we have consistently raised concerns about press freedom. I will not go into the details of that particular meeting, but I am very confident that those concerns have been raised at a very high level.

**Senator STEELE-JOHN:** Minister, did the Foreign Minister take the opportunity of her meeting with the Indian Prime Minister to raise the issue of press freedom with the Indian government?

**Senator McCarthy:** I have no doubt that Senator Wong would always be raising issues that are pertinent to her role as Foreign Minister. I have not spoken to her personally, so I cannot give you a response as to what she said or didn't say.

**Senator STEELE-JOHN:** Did the Prime Minister, particularly in relation to press freedom, raise concerns with the Prime Minister around the Indian government's recent decision to invoke emergency powers to block the distribution of a BBC documentary in relation to the Prime Minister of India and also to conduct tax raids on the BBC headquartered in India in February?

**Senator McCarthy:** Senator Steele-John, I know you raised these issues with PM and C in their estimates with regard to the Prime Minister's meetings. We don't have anything further to add.

**Senator STEELE-JOHN:** The reason I am asking these questions is because, from the Australian public's view on that meeting between the Prime Ministers, there was a lot of celebration and statements of friendship between Mr Albanese and Mr Modi during their time here. I think Mr Albanese referred to Mr Modi as the boss. So that was very much the communications coming from the Prime Minister. However, not once during any of those public events or meetings did the Prime Minister confirm that he had raised human rights abuses in India with Prime Minister Modi.

**Ms Adam:** It was a very successful visit of Prime Minister Modi. There is certainly a lot to celebrate in the Australia-India relationship. At the diaspora event that you are referring to, certainly there was a lot of positive atmosphere; it was a very well attended event. It is what you would expect with such close connections, people-to-people connections. That came out. The content of leader-level discussions is rarely fully aired in public

**Senator STEELE-JOHN:** I must disagree agree with you, Ms Adams. I believe the Australian community expects our Prime Minister to be clear about issues of disagreement between our friends on the global stage. You have told me that the government has taken many opportunities to raise human rights abuses—of the most serious nature. We are talking about the passage of laws within India which seek to make it harder for Muslims within India to be citizens of India. We are talking about the passage and enactment of policies which have seen a BBC office raided under the pretext of tax violations for having the temerity to undertake a documentary about the Prime Minister. Yet all we have heard from our Prime Minister during the visit was how great it was to have the boss here. This has caused great concern among the Indian diaspora community in Australia, particularly minorities within the Indian diaspora. There has been no balance in the Prime Minister's statement between the legitimate friendship between Australia and the nation of India and the legitimate criticism that should be voiced—and you have stated has been aired in different forums.

**Ms Adam:** Senator, I just repeat the basics, which are that Australia has a very consistent approach on human rights and democratic principles and we articulate that with friends—

**Senator STEELE-JOHN:** Why are they not publicly consistent? We have talked about how, when the Prime Minister is engaged with questions in relation to China, for instance, there has been a willingness to be publicly open about human rights concerns. We have seen that on a number of occasions in relation to China's disgraceful treatment of Uighur people. Yet not a word about India's treatment of Kashmiris in Indian controlled Kashmir.

**Senator McCarthy:** Senator Steele-John, we take on board the concerns that you have highlighted, but I believe the department has responded to your question.

**Senator STEELE-JOHN:** I will move to Cambodia. The Cambodia diaspora community is increasingly concerned about foreign interference in Australia, particularly money laundering and the presence in Australia of individuals who have links to the Hun Sen regime. How is the Australian government responding to the concerns of the Cambodian community?

**Ms Mudie:** Suffice it to say, Senator, that the Australian government is aware of concern in the diaspora community about these issues. We keep in close touch with the diaspora community. We refer any serious concerns to the appropriate agency, which is the AFP or the Department of Home Affairs.

**Senator STEELE-JOHN:** Has the department been asked to provide advice to the Department of Home Affairs with regard to Cambodian students entering Australia?

**Ms Mudie:** Could you repeat the question?

**Senator STEELE-JOHN:** Has the department of foreign affairs been asked to provide advice to the Department of Home Affairs regarding Cambodian students entering Australia, particularly those who may be linked to Hun Sen's regime?

**Ms Mudie:** I'm not aware of us being asked to provide such advice.

**Senator STEELE-JOHN:** What is the department's view in relation to the fact that Cambodia is effectively being ruled increasingly as a single party state?

**Ms Mudie:** We obviously have a close relationship with Cambodia as an ASEAN partner. We watch very carefully developments on the ground. As a close friend and partner, we do engage them on issues of concern that arise around such things as political freedoms as they approach their election.

**Senator STEELE-JOHN:** Will the government be aligning itself, Minister, with calls from the European Union calling for Cambodian authorities to ensure free and fair elections in July this year?

**Senator McCarthy:** We will certainly continue to support democracy and human rights in Cambodia, including by supporting local NGOs to train and deploy election observers, review ballot counts and report on the overall conduct of the July election.

**Senator STEELE-JOHN:** I understand that, Minister. The election is in July.

**Senator McCarthy:** That's correct.

**Senator STEELE-JOHN:** The European Union has made a public call for Cambodian authorities to ensure a free and fair election. In this specific case, my question is whether the Australian government will be echoing that call.

**Senator McCarthy:** I will refer to Michelle Chan.

**Ms Chan:** We have continued to engage actively with the Cambodian government and key stakeholders, including in the lead-up to the July elections, to express our views on the importance of a multiparty democracy. That includes raising our concerns here with the Cambodian ambassador as well as with multiple interlocutors on the ground in Phnom Penh by our ambassador, including with ministers and senior officials.

**Senator STEELE-JOHN:** When was the last time the minister or the department officially raised the issue of democracy in Cambodia with the ambassador?

**Ms Mudie:** I raised those issues with Ambassador Chanborey just last Friday, 26 May. Our HOM in Phnom Penh has already raised those matters with senior officials in government as recently as 29 May.

**Senator STEELE-JOHN:** If free and fair elections do not occur and Hun Sen is 're-elected', will the Australian government continue to recognise the regime as the legitimate representative of the Cambodian people in international fora?

**Ms Chan:** I don't think we should be speculating. I would not like to speculate on the result of the election. As you know, we recognise states, not governments. We will continue to have an ongoing dialogue with the Cambodian government, whoever that might be, after the elections, as we are in the lead-up to the elections, about the importance of these issues to Cambodia's stability and security.

**Senator STEELE-JOHN:** I want to move to the Sudan evacuation. Minister, can you confirm for us the number of citizens who have been evacuated from Sudan? You did give the number earlier. I want to make sure.

**Senator McCarthy:** Yes. We did give the number earlier. I shall refer to the department.

**Senator STEELE-JOHN:** You referenced two planes and, I think, 155 individuals. I want to make sure.

**Mr Maclachlan:** On the two ADF flights, there were 155 individuals. There were 57 Australians and 98 citizens of partner countries. In total, the number of Australians we've evacuated or assisted to depart Sudan is 278.

**Senator STEELE-JOHN:** At this time, has the evacuation ended?

**Mr Maclachlan:** We continue to provide assistance to Australians who are in Sudan. There are 174, to be precise. The evacuation operation in the large scale that was apparent in the first three weeks of the crisis is no longer happening. We are still assisting people to depart Sudan as best we can through some of the options available.

**Senator STEELE-JOHN:** How many Australian citizens still remain in Sudan?

**Mr Maclachlan:** As I just mentioned, 174.

**Senator STEELE-JOHN:** Still remain?

**Mr Maclachlan:** Are still there. I think my colleague Ms Logan said it was representing around 70 family groups.

**Senator STEELE-JOHN:** What efforts are being made currently to bring all of those to safety?

**Mr Maclachlan:** I will let Ms Logan talk about some of the things we are doing to help these families.

**Ms Logan:** We are working with those 70 families to try to find solutions for them. As I mentioned this morning, some of them have large families of mixed citizenship. Some of them are having trouble accessing Sudanese travel documents, even with a right of entry to Australia. That is one of the obstacles. We are working hard to try to find solutions. If it's not immediately to depart Sudan on one of the commercial flights or ferries that are operating, it's to help them move to a place of safety within Sudan until there can be a Sudanese passport system operating again.

**Senator STEELE-JOHN:** Individuals are also experiencing challenges around being able to source the documentation required by the Australian process to enable them to leave. That is correct, isn't it?

**Ms Logan:** It is Home Affairs that is working very hard to try to facilitate visas being issued quickly to enable travel for family members where possible. The Australian Passport Office is also working hard, but you will appreciate that it is very difficult to get passports into the country.

**Senator STEELE-JOHN:** I appreciate that. The number one thing I appreciate is the minister's ability to grant waivers in these situations. I am really concerned to hear that. Members of the community have shared with me that members of their families are struggling to access these processes because they cannot acquire, for instance, medical documentation. You can't do anything in Sudan right now let alone pop along to the doctor to be able to get on a plane. That is one of my primary concerns at the moment. In relation to that, you are working with the Department of Home Affairs and the Passport Office to resolve that. How many applications are currently held up because of documentation the Australian government is requiring of people?

**Ms Logan:** If it is visas, it's a matter for Home Affairs.

**Senator STEELE-JOHN:** There are a lot of people incredibly distressed at the moment. What support is being provided to Australian Sudanese families right now?

**Ms Logan:** We are working with many of those next of kin here in Australia to try to support their relatives who are remaining in Sudan. For some of those 70 families we talked about earlier, we are able to issue loans to family members here, who are then able to sometimes purchase tickets for them to depart Sudan or use other money transfer apps and so on to be able to get money to their relatives in Sudan. That is one thing we are doing. We do continue to do welfare checks of those families that we are working with for those who are not able to leave for various reasons. I appreciate that there are a range of reasons. We do our best to keep supporting them. We do have a 24/7 capability in the department where people can dial in and speak to consular officers about particular support needs they have. Sometimes it's just difficult to get people out as quickly as we would like because of those difficult circumstances on the ground.

**Senator STEELE-JOHN:** I understand that. Is the department doing any work with the Department of Social Services to ensure the allocation of culturally appropriate mental health care support to this community?

**Ms Logan:** We did that during the evacuations and when those groups were arriving in Australia. Services Australia was a part of our interdepartmental emergency taskforce. They were working with families as they arrived.

**Senator STEELE-JOHN:** The United States has authorised the application of individualised sanctions against individuals it deems to be contributing to the continuation of violence. Has the government considered, Minister, the application of Magnitsky style sanctions upon the same individuals to ensure a bit more momentum behind this international push?

**Senator McCarthy:** I will refer to the department on that.

**Mr Jadwat:** Australia already implements an arms embargo and UNSC sanctions, including an asset freeze and travel ban against some individuals accused of human rights atrocities in relation to the Sudanese Darfur conflict of 2004. These sanctions were renewed in March this year for another year. The Australian government does not currently have an autonomous sanctions regime on Sudan. Sanctions, of course, are one suite of measures that we use to respond to situations like the conflict in Sudan. They are used judiciously and are carefully considered. Consistent with the approach that we take on all sanctions, it would not be appropriate to discuss whether any persons or entities are under consideration at the moment for listing.

**Senator STEELE-JOHN:** I understand that. In relation to, though, the establishment of an autonomous sanctions regime separate to any individuals that might be under consideration, is the establishment of such a regime under consideration by the department?

**Mr Jadwat:** I can't speculate on that. I can refer you to our colleagues who work on the sanctions framework. I can't say anything more than what I have already told you. We don't speculate on future sanctions.



**Senator STEELE-JOHN:** I have a couple of questions about whether the Japanese embassy met with either the foreign minister, the Treasurer, Prime Minister or minister for climate change in relation to gas policy, particularly in the last six months.

**CHAIR:** Senator, just so you know, we've got two minutes left until lunch.

**Senator STEELE-JOHN:** Time flies when you are asking excellent questions.

**Senator BIRMINGHAM:** Even if you say so.

**Senator STEELE-JOHN:** Even if I say so. Definitely written by me.

**Senator BIRMINGHAM:** Better than a bad last question, Senator Steele-John.

**Senator STEELE-JOHN:** If we have two minutes left, I will get an answer to this question. I will ask one more and then we can go.

**Ms Adams:** Of course, the Japanese embassy is always very well connected and very active in Canberra.

**Senator STEELE-JOHN:** Active about gas policy, I bet.

**Ms Adams:** No doubt there have been many discussions about energy security and energy issues, including the ones that you refer to.

**Senator STEELE-JOHN:** So there have been meetings between those officers of the Australian government and the embassy on gas policy in the last six months?

**Ms Adams:** Perhaps I didn't hear the beginning of your question.

**Senator STEELE-JOHN:** The beginning of the question was: has the Japanese embassy met with the offices of the foreign minister, Treasurer, Prime Minister or minister for climate change about gas policy in the last six months?

**Ms Adams:** To answer on offices as opposed to departments—

**Ms Lawson:** I will ask my colleague Gary-Cowan.

**Mr Cowan:** In relation to the foreign minister's office, not to my knowledge, no.

**Senator STEELE-JOHN:** This is my last question. Was there or has there been a secondment opportunity to the BCA, the Business Council of Australia, offered to DFAT employees?

**Ms Adams:** That's correct, yes.

**Senator STEELE-JOHN:** It has? Who signed off on that secondment opportunity?

**Ms Adams:** Do you mean the decision to offer the secondment?

**Senator STEELE-JOHN:** Yes.

**Ms Adams:** Me.

**Senator STEELE-JOHN:** So you signed off on that. When did you do that?

**Ms Adams:** Maybe I will have to take the details on notice. I think I inherited it and decided to continue it.

**Senator STEELE-JOHN:** Okay. Just to be clear on what we're talking about here, this is a secondment opportunity that the BCA offered DFAT employees?

**Ms Adams:** Yes.

**Senator STEELE-JOHN:** And you signed off on the continuation of that secondment arrangement?

**Ms Walsh:** We do have a secondment arrangement with the Business Council. We have a number of secondments that we do to other government departments and other non-government entities. It is not an unusual arrangement to have. I can take on notice for you, if it suits, the background on how long that arrangement has been in place. I understand that it has been for a number of years.

**Senator STEELE-JOHN:** If you could. I am curious to know how the BCA's view on climate change, for instance, aligns with everything else that your department has had to say about climate change.

**Ms Adams:** The secondment opportunity really is in support of the international engagement side of the BCA work. Obviously, we have very advanced business-to-business arrangements with various partner countries. I think as my chief operating officer said, we have a few different secondments to different non-government organisations. They work on relevant DFAT facing type issues.

**Senator STEELE-JOHN:** Thank you, Chair. It is one o'clock.

**CHAIR:** Thank you very much. A very fine set of questions there. I'm sure you had a lot of technical support as well. It is fair to say that every senator thinks their questions are fantastic. On that note, we will break for lunch. We will be back here in one hour. We will catch you at the other end of that. Thanks very much, everyone.

**Proceedings suspended from 13:02 to 14:01**

**CHAIR:** We will resume. Senator Birmingham, I will hand over the call to you.

**Senator BIRMINGHAM:** Secretary, is the department aware of the order agreed to by the National Capital Authority in relation to the land allocated for a new Russian embassy?

**Ms Adams:** You are referring to the press reports this morning?

**Senator BIRMINGHAM:** The press reports this morning, which relate to the order issued in the Federal Court yesterday, I think it was.

**Ms Adams:** Yes. We are aware.

**Senator BIRMINGHAM:** Did the National Capital Authority consult DFAT prior to it providing its consent to that order?

**Mr Maclachlan:** Yes.

**Senator BIRMINGHAM:** When did the NCA consult DFAT on that matter?

**Mr Maclachlan:** It was over several weeks, as I recall.

**Senator BIRMINGHAM:** Over a period of several weeks. Did DFAT brief the minister on the matter?

**Mr Maclachlan:** We provided updates to the minister's office. I would have to double-check whether there was a formal submission at a point in that.

**Senator BIRMINGHAM:** Thanks, Mr Maclachlan. On what basis does DFAT understand the NCA has acceded to and agreed to this court order?

**Ms McKenna:** The settlement relates to a dispute between the National Capital Authority and the Russian Federation and concerned an administrative decision for the National Capital Authority, so questions in relation to the reasons around the settlement are best directed to the NCA.

**Senator BIRMINGHAM:** I understand that. We have ascertained that over a matter of weeks the NCA was at least consulting with DFAT in relation to this matter. Again, I will ask the question. On what basis does DFAT understand the NCA gave its consent to this court order?

**Ms McKenna:** I don't think it would be appropriate to go into the nature of the consultations on a matter that has been the subject of a legal dispute and consent orders by the court.

**Senator BIRMINGHAM:** What does DFAT understand the outcome of this court order to be?

**Ms McKenna:** I think that the National Capital Authority is best placed to answer questions as to the nature of the settlement that they've agreed to and its terms.

**Senator BIRMINGHAM:** We've ascertained that you have provided updates, if not a formal briefing, to your minister. In that sense, I'm not really asking for any more in what is provided to this committee than what you presumably would have provided in those updates, which is the effect of the decision that the NCA has taken.

**Mr Cannan:** In essence, the NCA and the government of the Russian Federation have come to an agreement to maintain the status quo on the site of the proposed new Russian embassy in Yarralumla.

**Senator BIRMINGHAM:** So the status quo is for the Russian Federation to resume its rights to continue in its very long and drawn-out way to pursue the building of a new embassy on that site?

**Mr Cannan:** As I think my colleague has indicated, I think it would be more appropriate to direct those questions in relation to the next steps for that site to the National Capital Authority, which was a party to the dispute with the Russian Federation.

**Senator BIRMINGHAM:** Your words were to resume the status quo. What do you understand the status quo to be?

**Mr Cannan:** I think you may be aware that the terms of the settlement and related submissions are on the court's website. The NCA can provide more accurate information than what we are in a position to, not being a party to the dispute.

**Senator BIRMINGHAM:** So the outcome is to revoke the termination of the lease?

**Mr Cannan:** Correct.

**Senator BIRMINGHAM:** Restoring the status quo would be to restore the lease? That is a pretty logical statement, I think, even if you won't put it on the record. That is how anybody would naturally interpret it. Has DFAT had any role in liaising with the Russian Federation through this process?

**Mr Maclachlan:** The conduct of the dispute was a matter between the NCA and the Russian Federation. We, of course, liaise with the NCA, as I mentioned earlier. But there was no direct contact that I'm aware of.

**Senator BIRMINGHAM:** What is the nature of that liaison with the NCA? There is an unwillingness to answer even basic questions.

**Mr Maclachlan:** The matter of the lease is a matter for the NCA and the Russian Federation. DFAT traditionally assists the NCA in broad terms with diplomatic leases, providing communications between the NCA and leaseholders. The NCA may have an interest or may seek our view on whether or not we think there are, in a broad sense, diplomatic implications of lease management more broadly. I'm not necessarily saying that was the case in this circumstance but in a broad sense. They would be the sorts of things that the NCA would come and seek our views on.

**Senator BIRMINGHAM:** Has the Russian Federation sought to make any representations to DFAT through this process?

**Mr Cannan:** I would have to take that on notice. It may have been raised in discussions or exchanges on other matters. I would like to take that on notice, please.

**Senator BIRMINGHAM:** Thank you. Does DFAT have any understanding of what action either the NCA or the Russian Federation intend to take following this court order being issued yesterday?

**Mr Maclachlan:** Not in detail. My assumption is that the NCA would comply with the court order.

**Senator BIRMINGHAM:** I think it was an order given by consent. In that sense, the NCA has agreed to it at the outset. Obviously, we will pursue a series of questions to the NCA. Unfortunately, they've already been and gone in an estimates context. We will be eager to understand the basis upon which they gave consent for the Russian Federation to have its lease restored over that land. I will put the legal arguments aside. Is it the government's view, Secretary or Minister, that the Russian Federation deserves the right to build a new embassy in a prime location in Canberra given its egregious assault on international rules?

**Senator McCarthy:** Just before the secretary speaks, I will point out again that this is a relationship with the NCA which is totally unconnected, on my understanding, in terms of the Ukraine.

**Ms Adams:** I would say that really it's a matter of law and contract, not a matter of deserving.

**Senator BIRMINGHAM:** Secretary, yes, the legal proceedings are a matter of law and contract. We are all familiar with the phrase that sometimes the law is an ass. We are all entitled to have opinions, including opinions as to what best serves the national interest and the stance Australia takes, including sometimes symbolically, on different matters. I think many Australians would be concerned that the Russian Federation, currently waging a brutal and bloody war against a much smaller neighbour and in breach of so many of the international rules that you rightly spend day and night working to uphold, is entitled to build a new embassy facility on a prime piece of Canberra real estate. Isn't that something that DFAT would share concerns about? At least within government, wouldn't it be pursuing avenues to see whether there was a means to have these matters reconsidered, noting, of course, that any reconsideration has to be within legal boundaries?

**Ms Adams:** I would say that Australia is a rule of law country with respect to property rights and legal frameworks. Unfortunately, I can't say the same for the Russian Federation in light of the illegal invasion of Ukraine. They are the facts as they stand.

**Senator FAWCETT:** I want to ask a follow-up question on that. I go to your comment, Secretary. Have you ever visited Calvary Hospital here in the ACT?

**Ms Adams:** I have actually visited that hospital.

**Senator FAWCETT:** I think your comment about the respect of the rule of law and property rights in the ACT is not a particularly good one, given current events. I think the ACT government has shown that it is willing to do all sorts of things if it wants to get its way over property, regardless of the precedent of law.

**CHAIR:** We'll take that as a statement. We'll move along.

**Senator BIRMINGHAM:** Thanks, Chair. Secretary, I absolutely appreciate that the government has to accept and, indeed, abide by and defend the rule of law as it applies and to be a model litigant, as the government seeks to be in all of its proceedings and engagements. Surely you could at these estimates make a statement that the

government is looking at legal and appropriate avenues to ensure the Russian Federation doesn't get to exercise this right to build a sparkling new embassy on prime Canberra real estate.

**Ms Adams:** I don't have anything further to add from my perspective as secretary of DFAT.

**Senator BIRMINGHAM:** Whilst the NCA has a technical role to play, DFAT has a role to play in defence of Australia's values and national interests. So if there were to be a lead in driving a process within government to say, 'This legal decision does not reflect the national interest as we should be applying it to uphold our values', surely DFAT should be taking the lead. Why isn't that the case?

**Ms Adams:** I think the government has made extremely clear our position on Russia in its illegal and immoral invasion of the Ukraine. We do that at every opportunity multilaterally and internationally in the media. It's very clear what our overall policy is with respect to Russia.

**Senator BIRMINGHAM:** I urge Minister Wong, when she is appropriately back on deck, to consider whether there is a role for this portfolio and department to look at any avenues for Australia to ensure that what is occurring here in our national capital reflects the principles we are seeking to uphold—of course, respect for the rule of law and, equally, that the Russian Federation deserves nothing by way of additional advantage, privileges or recognition at a time when it is in such flagrant breach of international rules and norms.

**Senator McCarthy:** Senator Birmingham, I do understand that the department officials have answered your question to the best of their ability. I will certainly take on notice any further questions you have. Yes, we will raise them with Senator Wong on her return.

**Senator BIRMINGHAM:** Thank you very much. Thank you, Minister. I appreciate that. I will go to the Prime Minister's attendance at the upcoming NATO summit. The NATO summit is in mid-July in Lithuania. Is that correct?

**Ms Adams:** That's correct.

**Senator BIRMINGHAM:** The Prime Minister has accepted the invitation to attend. When was that? Remind me when that invitation was received and when it was responded to.

**Mr Maclachlan:** The invitation was received on 12 April. Do you know the date of response?

**Ms Spencer:** The invitation was dated 6 April but was received in Canberra on 12 April. I am not sure whether I have the answer on when it was accepted. We can come back to you on that.

**Senator BIRMINGHAM:** Thank you. At any stage did DFAT or DFAT officials indicate that the PM may not be able to attend?

**Ms Spencer:** No.

**Senator BIRMINGHAM:** There seemed to be a view emanating out of Europe that the Prime Minister may not be able to attend. Does DFAT have any view as to where that may have come from?

**Ms Spencer:** Not to my knowledge.

**Senator BIRMINGHAM:** With regard to the earlier meeting of NATO foreign ministers that occurred, were AP4 nations invited to that?

**Ms Spencer:** Yes, they were.

**Senator BIRMINGHAM:** Did Minister Wong or an Australian minister attend?

**Mr Maclachlan:** No.

**Senator BIRMINGHAM:** When was that meeting?

**Mr Maclachlan:** We will come back to you with the date of that.

**Senator BIRMINGHAM:** Does 5 April sound right?

**Mr Maclachlan:** It does.

**Senator BIRMINGHAM:** The NATO meeting in Brussels with the Indo-Pacific foreign ministers. Did AP4 countries have ministerial level representation?

**Ms Spencer:** Yes, they did.

**Senator BIRMINGHAM:** Who was Australia represented by?

**Ms Spencer:** Australia was represented by the deputy ambassador to NATO. Unfortunately the ambassador to NATO got COVID on the morning, which is why there was that last-minute shift.

**Senator BIRMINGHAM:** Thank you. Why did Australia not have ministerial level representation at that meeting when the other three AP4 countries did?

**Ms Spencer:** Unfortunately, the foreign minister was unable to attend. The invitations were delivered less than four weeks from the date of the meeting. We were unable to attend.

**Senator BIRMINGHAM:** I framed it as ministerial level representation, appreciating that it is not always possible for the foreign minister to be at every possible engagement. In this instance, the defence minister or even assistant ministers across either of those portfolios could have attended. Is there a reason why Australia didn't give priority to finding some level of ministerial representation to attend that?

**Ms Spencer:** There were efforts to make ministerial attendants available, including to attend virtually if possible. Unfortunately, we weren't able to achieve that.

**Senator BIRMINGHAM:** Did that curtail the degree to which Australia could engage in ministerial dialogue both during the NATO meeting itself and particularly in terms of the type of dialogue that would occur in the margins of such a meeting?

**Ms Spencer:** Not to my knowledge. The deputy ambassador was able to make the intervention on behalf of the minister and was involved in the meeting.

**Senator BIRMINGHAM:** Did the deputy ambassador have any meetings with other foreign ministers while he was there?

**Ms Spencer:** I don't have that detail.

**Senator BIRMINGHAM:** Take that on notice, please. I suspect the answer is likely to be no. Did DFAT provide advice to the Prime Minister about the merits of his attendance at the NATO leaders summit in July?

**Mr Maclachlan:** It would be PM&C that would normally provide advice to the Prime Minister and his office.

**Senator BIRMINGHAM:** Did DFAT provide advice to PM&C?

**Ms Spencer:** We have been working closely with PM&C on the administrative arrangements for the leaders summit.

**Senator BIRMINGHAM:** Did DFAT provide advice prior to the Prime Minister confirming his attendance?

**Ms Adams:** Senator, it's a matter for PM&C and PMO. I will just come back to you on the four so-called AP4. Those countries, of course, are ones with which we have very close relationships and a lot of opportunities bilaterally and regionally to interact—New Zealand, the Republic of Korea and Japan—as well as with NATO.

**Senator BIRMINGHAM:** My question wasn't intended to be limited to those three ministers.

**Ms Adams:** As well as with the NATO countries, yes.

**Senator BIRMINGHAM:** Of course, the NATO foreign ministers provide a far larger grouping and ones with whom we have less frequent opportunities for engagement than the ministers within our immediate region, where we have, of course, many overlapping groupings and bilateral opportunities for engagement. What is the government's objective in relation to its participation in the NATO summit?

**Mr Maclachlan:** I think that's probably a question that would be best directed towards PM&C, which is doing the preparatory work for the PM's participation. Obviously, NATO is an important partner for Australia, not just in the context of Ukraine but also in the security of our immediate region, the Indo-Pacific. The dialogue we have with NATO countries is in part enabling us to demonstrate our value to the security of NATO countries. To be perfectly frank, it is serving the interests of Australia in helping European countries, NATO partners and allies understand the dynamic of security in our own region and how it is evolving rapidly and how it intersects very directly with the security interests of NATO allies.

**Senator BIRMINGHAM:** Thanks, Mr Maclachlan. What role does Australia and this department understand NATO to have in an ongoing sense for the AP4 countries, which they've now included on multiple occasions in legal level dialogue? What role does Australia seek in relation to the future engagement of AP4 countries?

**Mr Maclachlan:** Well, far be it for me to speak for what NATO sees in the AP4 partners. It is clear that they see value in the dialogue.

**Senator BIRMINGHAM:** They communicate their views in that regard to us.

**Mr Maclachlan:** They clearly see value in the dialogue. Many of the issues that we see evolving in our own region are issues that are intersecting with the security interests of NATO allies themselves. This is not about enlarging NATO or Australia becoming a NATO ally but rather deepening our common understanding of the sorts of security challenges we and NATO allies face and where opportunity for cooperation and information exchange exists. We, of course, have a partnership program that underwrites, if you like, our cooperation with NATO across a broad range of areas.

**Ms Spencer:** I will clarify and add to that. The AP4 attend generally a session of each of the dialogues. They don't sit through the foreign leaders meeting or the leaders summit. There will be a standalone session where AP4 members are invited. Our experience is that NATO does see great value in the information we can share from this region to inform their understanding of some of the strategic contexts and the impacts they may have in their region. Just this week, I briefed the North Atlantic Council of NATO on issues around rules based international order on cyber and space. They regularly seek briefings from Australian officials to inform their thinking.

**Senator BIRMINGHAM:** Thanks, Ms Spencer. When there were media reports suggesting that the Prime Minister was not going to attend the NATO leaders summit, did the department or our posts receive representations from the hosts in Lithuania, the NATO Secretary-General's representatives or any other NATO members urging Australia to be represented?

**Ms Spencer:** I can't speak to what representations may have been received by our post in Brussels. I know that we had received requests from the Lithuanian ambassador in Canberra directly. I am not aware that we received anything from NATO.

**Senator BIRMINGHAM:** Thank you. If there are any others that you can add on notice, that would be great. Will Australia be taking a package of further support for the Ukraine to the NATO summit?

**Mr Maclachlan:** That is a question you should probably ask PM&C because they will be developing the approach for the Prime Minister.

**Senator BIRMINGHAM:** Close to two weeks ago in estimates—it's hard to recall sometimes—I am pretty sure I did ask them, Mr Maclachlan, and received no more of an answer than that one.

**Mr Maclachlan:** At least it was consistent.

**Senator BIRMINGHAM:** Senator McCarthy, I refer to your earlier observations in the spirit of bipartisanship. Again, we give strong support to the government to do so and encourage them to do so. I hope they do not wait until mid-July but respond to the various calls being made at present for Australia to provide additional assistance, military and humanitarian.

**CHAIR:** You have two minutes, Senator Birmingham.

**Senator BIRMINGHAM:** Thank you, Chair. Other countries have been looking at methods to support Ukrainian reconstruction, including possibly the seizure of sanctioned assets. Has Australia been looking at both how we may play a role in reconstruction and, specifically, potentially seize sanctioned assets?

**Mr Maclachlan:** We might ask our sanctions expert, Mr Walter, to unpack this issue.

**Mr Walter:** Thank you, Senator, for the question. I am sure, as you would appreciate, the question of the confiscation of assets goes to some fundamental principles of property that have already been touched on. Australian sanctions laws are designed in a way that are intended to influence the behaviour of foreign countries. The intention is typically that they will be short-term measures. When the actions of the foreign country have ceased, those sanction measures are lifted. Obviously, there's a risk, if you start trying to confiscate frozen assets, that incentive aspect of the scheme disappears.

Secondly, the broader question is that under Australian law, of course, your assets are only ever confiscated in relation to the commission of criminal offences at the federal level under the proceeds of crime regime. They are done by an order of court, of course. In the case of sanctions, a person who has been sanctioned and had their assets frozen won't necessarily have committed a criminal offence. It is an act to try to influence the foreign government. There is a range of significant policy issues and legal issues, including constitutional issues, that we would have to work through if you were going to head down that path.

**Senator BIRMINGHAM:** Mr Walter, are we looking at working through any of those issues, being mindful of the actions being considered by other partner countries, including the UK and US, and various reports?

**Mr Walter:** Bear in mind, of course, that any such decision would be a government decision. I can say that we have had discussions with other partners overseas. There have certainly been discussions amongst the relevant departments about what that would mean. I can't go further on that issue than that.

**Senator BIRMINGHAM:** Thank you, Mr Walter. I appreciate the constraints in terms of government policy there. It is reassuring to know that at least some analysis and exchange of information is occurring and that we are looking at it and understanding what may be possible in that regard.

**Senator WHITE:** I will ask about the department's budget. I note that there are a number of new measures for the Foreign Affairs and Trade portfolio. Can you please advise the committee how the 2023-24 budget delivers increased resourcing for Australia's international engagement?

**Ms Adams:** I will hand to the chief financial officer. Let me just make one point in the beginning. The budget does place the department on a more financially sustainable footing, with ongoing funding for many of our terminating measures and to maintain the delivery of our core activities. It is very clear financially sustainable footing for us to operate on. For more detail, I will defer to the CFO.

**Mr Medland:** The budget provided \$947 million in net funding across the budget and forward estimate years. Importantly, of course, \$956.4 million was departmental funding. As the secretary just advised, that definitely puts the department on a more financially sustainable footing. It also funded a number of key terminating measures, specifically in maintaining support for an effective foreign service measure. There was \$250 million provided on an ongoing basis for a shortfall in our operating lease appropriation. Over a period of time, the indexation we had received on that had been below the increase in leases, especially for our overseas properties. That has been provided on an ongoing basis. I think in the 2021-22 budget we were provided with supplementation for two years. That has now been assessed and is ongoing. It also addressed some of the terminating measures, such as the Foreign Arrangements Scheme, where there is clearly an ongoing need to administer that scheme. That was \$29.8 million, with ongoing funding as well. In that measure, we also received funding of \$90.2 million over three years to improve our international communications network. It is subject to some ageing infrastructure. That provided funding to upgrade that infrastructure. Again, it is critical to the ongoing operations of our overseas network. We also received \$158.6 million for our Australian development program. That includes a commitment to maintain indexation of the administered funding at 2.5 per cent. It also provided \$36.8 million over four years with ongoing funding to provide capability to better administer and support the delivery of that increased aid program. It provided ongoing funding for our diplomatic representation to Afghanistan. That is currently operating out of Doha. That is \$10.8 million over four years, with \$2.7 million ongoing.

It provided \$55.7 million over four years to enhance our engagement with South-East Asia. And \$35.7 million of that relates to the department receiving funding to facilitate increased visits by leaders and to deepen our connections in the region. It also provided \$14.9 million to the Department of Industry, Science and Resources for the National Centre for Asia Capability. That is a four-year measure. There is additional funding of \$5.2 million to improve our diplomatic engagement with Timor Leste.

Earlier, we talked about the \$80 million over four years and \$20 million ongoing to enhance our strategic capability. We also received \$31.9 million over four years to provide technical assistance and capacity building to support the Indo-Pacific nations participate in the Indo-Pacific economic framework. Finally, we received two years of funding to support engagement by the Australian Safeguards and Non-proliferation Office and the department for the nuclear powered submarine program. I think, importantly, as the secretary flagged in her opening statement, there was also \$1.9 billion provided to enhance our engagement with Pacific nations. That is a whole-of-government measure. I am sure colleagues can provide additional information on that.

**Senator WHITE:** So, in essence, the vast majority of the new funding to DFAT is for department funding. Am I reading that right?

**Mr Medland:** That's correct. The net increase in our appropriations is just under \$950 million, and just over \$750 million of that relates to departmental, which is core to the operations of the department.

**Senator WHITE:** There has been a lot of discussion in other estimates and at other times about terminating measures. I want to ask you about what I think is a terminating measure introduced by the previous government. The Foreign Arrangements Scheme was introduced in 2020. It was passed with bipartisan support to ensure that arrangements with foreign countries are consistent with our national interest. Am I characterising it correctly?

**Ms Adams:** Yes.

**Senator WHITE:** At the time it was passed, former foreign minister Payne said:

This legislation is necessary to appropriately manage and protect Australia's foreign relations and the consistency of our nation's foreign policy.

It was a terminating measure, wasn't it, because the previous government funded it for only three years. Is that correct?

**Ms Adams:** Yes. That's correct.

**Senator WHITE:** Does that mean that protecting Australia's foreign relations was a short-term objective?

**Ms Adams:** I don't think it was a short-term objective, but it was terminating funding. It has now been recognised as necessary on an ongoing basis.

**Senator WHITE:** I am no accountant, although I confess that I have a commerce degree. That is something you didn't know; I did accounting A. It is revealing. I like to illuminate my lack of understanding. So a terminating measure is usually a temporary thing, isn't it? That is why it has a drop dead date. That would normally be a way in which in a budget you would—

**Mr Walter:** Perhaps I can assist a bit with this. In terms of the original funding for the program under the former government, the way we kind of conceive of it is that there were two phases. There was an establishment phase, which required in this instance states and territories and universities to notify not only arrangements with foreign entities going forward but any foreign arrangements they had entered into in the past. We got a very large influx of arrangements at the commencement of the scheme. At that point, we needed substantial funding to work through the IT and all those types of aspects to process that enormous number of arrangements. The idea always was that we would work out the kind of business-as-usual model and come back for ongoing funding. That ongoing funding has been provided by the current government in this budget.

**Senator WHITE:** But that is a bit misleading, isn't it? It was always going to be ongoing? Wouldn't you put in at least in the forward estimates what you thought you might do and it could be adjusted when you knew what you were doing?

**Ms Adams:** I think it was intended to be an ongoing way of managing non-Commonwealth foreign arrangements.

**Senator WHITE:** But it was funded for only three years. I want to ask you a bit more about it, then. Of the staff allocated to implementing the scheme, were they employed on a temporary, short-term basis?

**Mr Walter:** Original funding included money for ASL. We employed permanent ongoing employees to do that work. There was also a small amount of money allocated for us to employ contractors. As far as I recall, we never employed any contractors. I think we have only ever employed ongoing staff for the program. That contractor money has now been converted into ongoing ASL in this budget.

**Senator WHITE:** You have people on permanently and you have terminating funding?

**Mr Walter:** As I said, we had confidence that the funding would be ongoing. It was just working out exactly how much that would be.

**Senator WHITE:** The minister's budget release refers to a temporary measure put in place by the former government to cover historical underfunding of the department's overseas lease costs. That was also due to expire. Can you explain to me what that is about?

**Mr Medland:** As I mentioned earlier, the indexation that the department receives on its appropriation was lower than the price increases of our lease expenditure, especially for our overseas network. So progressively over time, that gap had increased. Based on the latest advice, that was \$250 million over the forward estimates with, I think, about \$69.9 million ongoing. You can see that gap continues to grow. Clearly, we would need to maintain that network. What we would look to do through the internal budget process would be to identify savings that would fund that if we couldn't continue or didn't receive additional funding to maintain that measure.

**Senator WHITE:** How long was that an issue for the department's budget?

**Mr Medland:** I think it had been a building issue over the previous years. Clearly, it was getting exponentially bigger. But it was identified two budgets ago. Funding was provided on an interim basis and then the case was mounted in the current budget that is an ongoing gap that needed to be funded on an ongoing basis.

**CHAIR:** This is your last question.

**Senator WHITE:** I am enjoying my place in the sun. Why has the government decided to invest \$90.2 million over the forward estimates in the international communications network? Can you explain that?

**Mr Medland:** As I mentioned earlier, communications for our overseas network is critical. It's a network that is getting towards the end of its useful life now. Some of the infrastructure that supports that network needed to be replaced. We had started to replace critical infrastructure internally. Because of the scale of the replacement, and the importance of it, especially in the current cybersecurity environment, there was a need to fast-track that. Effectively, \$90.2 million was provided over those three years, with the bulk of it in the first two years to fast-track that replacement.

**Senator WHITE:** I have one more question. Cybersecurity is not really new. When was the last time the ICN received additional investment?

**Mr Medland:** Internally, we would be maintaining that on an ongoing basis. It was really just the scale of the replacement and the urgency that was critical. That funding also provided funding to undertake a business case for



what the long-term solution is for our network. Clearly, you can only replace IT infrastructure for so long before the overarching network needs to be replaced.

**Senator WHITE:** When was the last time it got an additional investment?

**Mr Smorhun:** The last funding was 2017, also under an NPP measure.

**Senator WHITE:** That's all, thank you.

**CHAIR:** Senator Birmingham, you have the call.

**Senator BIRMINGHAM:** Thanks, Chair. Have negotiations for a bilateral security treaty between Australia and Papua New Guinea been concluded?

**Ms Adams:** Senator, they have not yet concluded.

**Senator BIRMINGHAM:** Prime Minister Marape and Prime Minister Albanese, in a joint statement on 4 January, said that substantive negotiations would be concluded by the end of April. Why has that not been achieved?

**Ms Adams:** Yes. That was the target that we were all working hard to meet. It does happen in negotiations sometimes that you don't meet your self-imposed timelines. I will ask the head of the Office of the Pacific to add some further information.

**Mr McDonald:** Senator Birmingham, certainly the Prime Minister's announcement on 12 January, I think on that date, outlined the scope and principles for the bilateral security treaty. As you know, from the Boe Declaration on security, the bilateral security treaty is quite broad in its negotiating mandate. Both sets of officials have worked hard to meet that date. It has required a lot of domestic consultation on both sides because of the traditional and non-traditional, if you like, aspects of the agreement. I note Prime Minister Marape put out a statement recently around the delay and the reason for that around consultation that needs to occur. The negotiations are proceeding, most recently last week. We are continuing them. We expect and hope to conclude them soon. The most important thing for both countries is that we ensure that the bilateral security treaty can stay in place for a long period of time, as is intended, and we have a shared understanding of both the content and the implementation of it. I would say here that both parties are taking the negotiations very seriously and approaching them in a good faith way.

**Senator BIRMINGHAM:** Thanks, Mr McDonald. I would expect nothing less, especially from the professionalism of your team. Is there a revised time line for substantial conclusion of negotiations now that the end of April has passed by?

**Mr McDonald:** We're looking to do that as soon as possible. As I said, we had a negotiating session last week. We exchanged texts again on Friday, I think it was. The PNG government and its team will come back to us with a date, which I expect will be in June, this month, as soon as they've done that consultation on the latest text. I hope that we will only need one or two more sessions to conclude the agreement.

**Senator BIRMINGHAM:** Thank you. Former PNG foreign minister Tkatchenko, who stepped down relatively recently, had signalled an ambition or expectation to have the treaty signed by the end of the last calendar year, 2022. Are there any particular substantive issues that have caused it to take a lot longer than initially planned?

**Mr McDonald:** Senator, as you know, this commitment was in our comprehensive security and economic partnership agreement, which was put in place in 2020. The negotiations, really from an officials point of view, were given the impetus to really push ahead after the statement in January. There were discussions between the foreign ministers in the latter part of last year about proceeding and, I suppose, concluding the bilateral security treaty, so that was part of the impetus for that. Again, I think we gave our really best endeavours to meet that date. I will be honest; there were some other things happening at the time that you would be familiar with. There are the very high-level visits that PNG have just had in terms of India and the US and the completion of the defence cooperation agreement between PNG and the US. So I don't think in any way there was any intent not to meet that date. It's just the reality of what we're dealing with.

**Senator BIRMINGHAM:** Shortly before his resignation, Minister Tkatchenko visited China in late March, early April. According to reports at the time, he was advised of concerns about the proposed treaty that had been raised by China. Does the government have any understanding of whether China has been advocating against Papua New Guinea entering into this agreement with Australia?

**Mr McDonald:** No, I don't.

**Senator BIRMINGHAM:** Thank you. When was the last conversation between our Prime Ministers, Prime Minister Albanese and Prime Minister Marape?

**Mr McDonald:** I will need to take that on notice. Of course, there have been interactions through visits and where our Prime Minister or foreign minister or minister for international development have met with their PNG counterparts. The most recent discussion I would be aware of is when there was a discussion between Prime Minister Marape and the minister for international development during a visit there in the last month.

**Senator BIRMINGHAM:** Thank you. Mr McDonald, I want to turn to the Vanuatu security agreement. Can I have any update in terms of efforts to secure the ratification of that agreement within the Australian system? What is the status of proceedings for ratification here and diplomatic efforts in working with the Vanuatu system?

**Mr McDonald:** Both governments are working to proceed through their processes for ratification. In terms of the Australian system, we've got a number of steps that we go through, which people would be familiar with here. We're well underway with that. We're obviously consulting with the Vanuatu government on the steps they are taking to proceed. They are both proceeding. We've had assurances around that. I suppose my simple answer is that they are both proceeding through the processes of both governments.

**Senator BIRMINGHAM:** Are there any particular actions that Australia is undertaking to seek to raise understanding of the agreement, its nature and its benefits with the broader body politic across Vanuatu and its population? How are we working with the government of Vanuatu to ensure that opposition and others within Vanuatu understand the benefits of the agreement and the breadth of it?

**Mr McDonald:** Senator, you may be familiar with this because of the trip you had towards the end of last year. Certainly the proposed bilateral security agreement was made public shortly after it was signed. I think it was around the middle of December. So it was very open in terms of the consideration of that. As you have probably seen, there has been various media publicity around it. It has been quite widely circulated and seen, so people are very aware of its content. Of course, this agreement, you might recall, was first talked about and scheduled for negotiation in 2018. So it has been a period of time that people have been able to engage with it. Of course, we're very open to discussing it, and have discussed it, as it proceeds through this process.

**Senator BIRMINGHAM:** What steps are remaining in both countries to achieve formal ratification?

**Mr McDonald:** I might ask Ms Heinecke to just indicate in terms of the Australian government system. As to exactly where we're up to in the process with Vanuatu, I would probably need to take that on notice. I am happy to do that and come back to you.

**Ms Heinecke:** For Australia, you would be familiar with many of these, Senator. The first step is really tabling the treaty in parliament, which requires 20 joint sitting days for consideration by JSCOT. JSCOT would then hold a public hearing and release its report, recommending whether binding treaty action should be taken. If JSCOT recommends taking the treaty action, all legislative amendments necessary to ensure the treaty can be implemented in Australia must be taken before the treaty can take effect. The final step is once both Australia and Vanuatu—as Mr McDonald said, we're still seeking clarification from Vanuatu on their timelines—have been completed, the domestic process to enable the treaty to be implemented and enter into force will occur by exchange of diplomatic notes.

**Senator BIRMINGHAM:** Thank you. You have taken me through all the necessary steps. Which step is Australia at?

**Mr McDonald:** We have completed the ExCo approval process and the signature process. The next thing is approval for tabling. That is the next step we would need to take. We are doing that, as you would imagine, in consultation also with Vanuatu so we have them in sync. So that's where it's up to.

**Senator BIRMINGHAM:** So you don't anticipate that we will table and commence the JSCOT process here until that is in sync with proceedings in Vanuatu?

**Mr McDonald:** I'm not saying we wouldn't. I think we just need to make sure that we're in close consultation. For both parties, obviously going through the processes for ratifications around the same time makes a lot of sense to everyone. Yes, I can't say we wouldn't do that, but I can say that we would be consulting closely with them as we do that.

**Senator BIRMINGHAM:** Thank you, Mr McDonald. While I am in the Pacific, I will ask this: how long has Australia now been without a permanent high commissioner in Fiji?

**Mr McDonald:** I would have to take on notice exactly how long. I would say the second half of last year was when the previous high commissioner, John Feakes, left. I would say that was probably around August or September. I would have to confirm. I'm not a hundred per cent sure. It was September.

**Senator BIRMINGHAM:** I had 1 September in my notes, so that corresponds. Why has there been such a long delay in appointing a permanent high commissioner to Fiji?

**Ms Adams:** We have had charge arrangements with experienced people in the meantime. It sometimes just simply does take time for incoming heads of mission to be able to take up those positions.

**Senator BIRMINGHAM:** I appreciate that, Secretary. This has turned into quite a longish period. We are into a nine-month period now with multiple charges at different times. It is not like we've had a singular period of stability in the interim either. Whilst nowadays all periods of time are important ones when it comes to our Pacific relations, this has also overlapped with a change in government in Fiji, so arguably a doubly important period of time. How has this long delay come about?

**Ms Adams:** I would certainly underline that the Australia-Fiji relationship has been nothing but positive and solid and growing, in fact, over that period. We've had multiple visits. We've had multiple leader level exchanges. It is a fairly big mission that we have there in Suva. We have been, I think, managing our relationship very well. I do, however, look forward to having the permanent head of mission in place soon.

**Senator BIRMINGHAM:** How many charges have we had in the nine months or so that we have been without a high commissioner in Fiji?

**Mr McDonald:** I think we've had two. Another thing I would say is that the relationship with the new government is in very good shape. I saw Prime Minister Rabuka last week and had a long discussion with him, as did Minister Conroy, the previous day. We have been working very closely with the new government on the implementation of their new priorities, including around senior officer talks on the Vuvale Partnership. On a regional basis, a number of us have been there on a regular basis, including Ms Peak as the deputy head of the office in terms of her regional responsibilities. So I think in terms of the relationship, it's very strong at the moment. We'll continue to work to make sure that continues until we have an announcement and an appointment of the new high commissioner.

**Senator BIRMINGHAM:** I appreciate that there are always processes to go through in terms of what occurs prior to a public announcement. Indeed, sometimes I have met, at department's instigation, with a candidate before they've been publicly announced. Sometimes they will even be heading off to pre-position in country ahead of a public announcement, depending on those processes. In this case, at least, has a candidate been selected?

**Ms Adams:** Yes.

**Senator BIRMINGHAM:** Thank you. We are at the point of awaiting the conclusion of other processes, be it the availability of the candidate and/or other processes that need to be concluded?

**Ms Adams:** That's right.

**Senator BIRMINGHAM:** Thank you. When was a candidate selected, Secretary?

**Ms Adams:** As you say, there are many steps in these processes. I don't think you can really say there's a time.

**Senator BIRMINGHAM:** There is. It is when the Prime Minister agrees, usually.

**Ms Adams:** Or, technically, ExCo.

**Senator BIRMINGHAM:** Yes.

**Ms Adams:** There are many steps in the process.

**Senator BIRMINGHAM:** Fiji is our largest Pacific mission, isn't it, at Suva?

**Ms Heinecke:** PNG.

**Mr McDonald:** PNG will be our largest.

**Senator BIRMINGHAM:** Of course, at Moresby.

**Mr McDonald:** But it has also, as you know, got the PIF located there.

**Senator BIRMINGHAM:** There. It is critically important there.

**CHAIR:** Senator Birmingham, how long have you got left in this block? I am mindful I need to hand the call over to other senators.

**Senator BIRMINGHAM:** I can finish with one question.

**CHAIR:** Thank you.

**Senator BIRMINGHAM:** Notwithstanding the good work that ministers and officials have done in terms of the relationship with the new government, is the department frustrated? Has something gone wrong in this process that has left us with this nine-month hiatus? Is there something that can be rectified to avoid that occurring again?

**Ms Adams:** No. Not at all. It is on track.

**Senator BIRMINGHAM:** It doesn't seem optimal, Secretary, so I hope that is not really on track. I am pleased that it is on track now.

**Ms Adams:** The question was, 'Has something gone wrong?' My answer is no, not at all.

**Senator BIRMINGHAM:** So we didn't have a candidate that had to be moved somewhere else because of other unforeseen circumstances or the types of things that sometimes can create an unexpected delay in these processes?

**Ms Adams:** The appointment process is underway.

**Senator BIRMINGHAM:** Thank you.

**Senator STEELE-JOHN:** I have some questions in relation to the independent review of the Afghan Locally Engaged Employee Program. I note that there has been a release today in relation to the review. That is pleasing in some respects. I am seeking a bit more information on what has been achieved.

**CHAIR:** I might be able to help you as well. I did ask some questions about this. I am happy for you to keep asking. Just be mindful.

**Senator STEELE-JOHN:** It may be that we have covered the same ground. We will discover it.

**CHAIR:** I thought I would mention that.

**Senator STEELE-JOHN:** Thank you, Chair. Can you share with me any information about, first of all, how many Afghans potentially will be left behind given the deadline is in November for applications to the process?

**Mr Walter:** There are a couple of premises in your question. In terms of what Vivienne Thom found and why she recommended that the program should be wound up, she found that it was reasonable to expect that most of the people who had been engaged with in the Australian mission in Afghanistan had either applied or had the opportunity to apply. It was now reasonable to wind the program up. Allowing until 30 November for applications to be made allowed time and space for people who had been, for example, engaged as security guards or other people who have been previously unable to apply under the legislative instrument, which has been amended overnight, time to apply. It allows us to look at existing applications, which is what we will do for people in those categories, and seek any further information we need from them in order to be able to process them before the program closes.

**Senator STEELE-JOHN:** I understand that. It is good that the people who have already applied will be able to utilise this process to hopefully resolve that. With a November deadline in place, what will happen to those who can't apply in time? With the way this deadline has been worded, I am really concerned that people will be left trapped in Afghanistan and at risk of Taliban reprisals. If somebody comes to you on 1 December, what happens?

**Mr Walter:** I think it's very important to understand exactly what is happening here. In order to come to Australia, you need a visa. Typically in these cases it is a humanitarian visa. If you also were engaged as a locally engaged employee, you may seek certification from the relevant department—DFAT or the Department of Defence. If you are granted certification, that does not get you a visa but it puts you to the top of the pile in consideration for a visa. We are not closing the humanitarian visa program, not changing the number—

**Senator STEELE-JOHN:** But these are people who need to get out quickly. That is why the program exists.

**Mr Walter:** It gives them priority in the scheme. After the scheme closes, you can still apply for your humanitarian visa.

**Senator STEELE-JOHN:** Where you will not have priority?

**Mr Walter:** The priority will then depend on Home Affairs processes.

**Senator STEELE-JOHN:** So my question remains. What happens to somebody in that situation who for, whatever reason, cannot get the application in before 31 November?

**Mr Walter:** Essentially, the situation would then revert to the situation that applies anywhere apart from Iraq and Afghanistan, which is you simply apply for a humanitarian visa.

**Senator STEELE-JOHN:** And why was 31 November selected? Why not 31 December or January or, indeed, October?

**Mr Walter:** Dr Thom, in her report, which is now publicly available, suggested that the closing date for the program should be 12 months after the amendment of the legislative instrument, which occurred overnight, and that applications should close six months before that to allow for working with the applicant to get further information where required and verifying claims where we needed to do that. So we are following Dr Thom's recommendations.

**Senator STEELE-JOHN:** Does the department have a clear idea of how many people who may well be eligible for this program are currently yet to have applied?

**Mr Walter:** I can say this. We've had 1,422 applications to the department under the program since it commenced in January 2013. Of those, 159 have been certified, and 946 were found not to meet the certification requirements. We need to revisit those for a number of reasons identified in the report. We are doing that.

**Senator STEELE-JOHN:** Have the overwhelming number of people who applied so far been found not to meet the certification requirement?

**Mr Walter:** That is a fair characterisation. We would need to revisit some of them. Well, 216 of them have self-identified as security guards. Until this morning, security guards were not eligible for certification under the legal instruments, so we need to revisit those applications. Of those 216, we know that about 117 are already here. Obviously, we will not be looking at them because they don't need it. We will work through them and make sure that we pick up Dr Thom's concerns. We continue to get a trickle of new applications. We will continue to work through them.

**Senator STEELE-JOHN:** What does the trickle look like numerically?

**Mr Walter:** We get one or two a week.

**Senator STEELE-JOHN:** After 30 November, those one or two a week or two or three a week will not be able to be prioritised? It will just be the regular process?

**Mr Walter:** As they already do, they would need to apply to Home Affairs for a humanitarian visa. In the event that they identified themselves as being an LEE, you could imagine that Home Affairs might still consider them for priority.

**Senator STEELE-JOHN:** Thank you. It may be for you or somebody else. I have some questions about Australian citizens who are currently engaged in fighting in Ukraine. First of all, how many Australians are known by the department to be fighting in Ukraine?

**Ms Logan:** We have had an indication from the Department of Home Affairs from departure records that there is likely to be a small number of Australians engaged in fighting in Ukraine. We don't have any—

**Senator STEELE-JOHN:** Home Affairs has told you that, did you say?

**Ms Logan:** Yes, correct.

**Senator STEELE-JOHN:** How many are we talking about?

**Ms Logan:** I want to say a small number. It is less than 20 that Home Affairs suspects has gone to Ukraine for that purpose through departure records.

**Senator STEELE-JOHN:** When was the last time Home Affairs provided the department with an updated briefing as to those numbers?

**Ms Logan:** Earlier this year, I think. I will take it on notice to be correct.

**Senator STEELE-JOHN:** Thank you. Do they regularly provide an update to the department in relation to that?

**Ms Logan:** When we ask.

**Senator STEELE-JOHN:** The last time you asked was earlier this year?

**Ms Logan:** Correct.

**Senator STEELE-JOHN:** Is there an intention to ask again so we can get a contemporary figure?

**Ms Logan:** Yes, absolutely.

**Senator STEELE-JOHN:** Thank you. What are the potential legal risks for those engaging in conflict activity in Ukraine?

**Mr Walter:** There could be a whole range of legal reasons that apply to an individual. However, fighting with the armed forces of another country is not necessarily a criminal offence under Australia's foreign fighters laws. However, you would potentially commit a criminal offence in the event that you fought with a non-national fighting force. So there can be risks there. I am speaking in general terms here, not about specific individuals, you would appreciate. So it is going to depend on the circumstances as to whether somebody might fall foul of those foreign fighters laws, which are criminal offences.

**Senator STEELE-JOHN:** Just for clarification in terms of legal risk, if you are fighting with another nation's official armed forces, that's not necessarily a legal risk. Is that what you are saying?

**Mr Walter:** As long as you are not fighting Australia.

**Senator STEELE-JOHN:** Yes, indeed. If you are fighting with a non-military organisation or entity, that could create a potential legal risk?

**Mr Walter:** Potentially. As I said, I am just being very careful that I am not commenting on specific individual cases.

**Senator STEELE-JOHN:** Of course. Ms Logan, of the 20 that Home Affairs informed the department of last time you asked, how many of them were known to be fighting with formalised military structures, the military of Ukraine, versus non-formal military entities?

**Ms Logan:** We don't know, Senator. That is the answer.

**Senator STEELE-JOHN:** Could you ask?

**Ms Logan:** We can ask, but I'm fairly certain the knowledge before departure would not be terribly relevant to their activities once they are on the ground in Ukraine.

**Senator STEELE-JOHN:** It would be good for somebody to know. Whether or not they are is a trigger for whether or not it is a legal problem. The government would then have to investigate further.

**Ms Logan:** I will just add that we do warn in our travel advice for Ukraine. First of all, we say do not travel. Secondly, we do warn of possible legal risks if people do travel.

**Mr Walter:** I might just add, Senator, that you would expect other agencies also monitor the engagement of Australian individuals who may be engaged in foreign fighting activities.

**Senator STEELE-JOHN:** Yes. I will switch tack slightly. It is my understanding that DFAT is currently being represented at the Antarctic Treaty Consultative Mechanism currently taking place in Helsinki. Is that correct?

**Mr Maclachlan:** Yes. That's correct.

**Senator STEELE-JOHN:** Who from the department is representing Australia in that?

**Mr Maclachlan:** The chief legal officer, Adam McCarthy, hence he's not here today.

**Senator STEELE-JOHN:** Is he the head of the delegation?

**Mr Maclachlan:** Yes. He is the head of the delegation.

**Senator STEELE-JOHN:** What is Australia taking to that meeting? Can anybody tell us?

**Ms McKenna:** Australia is a consultative party to the Antarctic treaty and a strong supporter of the rules and norms of the Antarctic treaty system. We have key objectives for the meeting to ensure that the Antarctic Treaty Consultative Mechanism continues to be an effective governance mechanism in relation to our objectives for the Antarctic, which includes enhancing protection of the Antarctic environment. We are also working with partners to strengthen the environmental protocol and encouraging other states and partners to join that protocol.

**Senator STEELE-JOHN:** How large is the delegation that we have sent to this meeting?

**Ms McKenna:** Mr McCarthy, our head of delegation, is accompanied by one officer from DFAT. There are a small number of officials attending from other agencies. There are four from the Department of Climate Change, Energy, the Environment and Water and one from the Attorney-General's Department.

**Senator STEELE-JOHN:** Are there any individuals from the Australian Antarctic Division?

**Ms McKenna:** The officials from the Department of Climate Change, Energy, the Environment and Water, I believe, include some officials from the Australian Antarctic Division, including, I believe, their chief scientist. I'm not sure exactly how many of the four are from the Australian Antarctic Division, but I could take that on notice.

**Senator STEELE-JOHN:** If you could, that would be great. Do you know whether Australia attended the first workshop on climate?

**Ms McKenna:** I believe we did, but I would need to confirm. I will take that on notice.

**Senator STEELE-JOHN:** If you could. Could you also let us know the topic of discussion for the workshop? I know it was broadly on climate. Since it has passed now, if you could provide us information on what was discussed at that workshop, that would be fantastic.

**Ms McKenna:** Certainly.

**Senator STEELE-JOHN:** I will rotate back to you, Chair.

**CHAIR:** You are constrained with some time. I am happy to give you a few more minutes, and then I will hand the call to the opposition.

**Senator STEELE-JOHN:** That's wonderful, thank you. I will go now to an incident that took place, I believe, on 23 May. I could be slightly off there. This is an incident relating to Jerusalem. There was a really quite vile march through the city containing many ultranationalist and right-wing members, who abused journalists and physically attacked them, chanting, 'We will burn your homes. Death to Arabs.' Leading this crowd was none other than national security minister for the state of Israel Ben-Gvir and minister of finance Smotrich. Can you provide updated evidence to the committee in relation to whether any representative of the Australian government has had any meeting with ministers Smotrich and Ben-Gvir?

**Mr Jadwat:** My understanding is that there has been no contact with those two ministers at this stage.

**Senator STEELE-JOHN:** Okay, good. My understanding is that an Australian parliamentary delegation led by or including the speaker of the House is preparing to travel to Israel. Is that correct?

**Mr Jadwat:** I would have to take that on notice. I would have to check with the parliament about that.

**Senator STEELE-JOHN:** Is there any formal delegation, parliamentary or otherwise, preparing to leave for Israel in the next six months?

**Mr Jadwat:** I understand that there have been some plans for a visit—I have heard—but I don't think there's anything confirmed. As I said, I would have to take it on notice and check for you.

**Senator STEELE-JOHN:** Thank you. In terms of the plans that you have heard, is that parliamentary or non-parliamentary?

**Mr Jadwat:** From what I heard, I think it was a plan for members of parliament to visit. But I don't think it has been confirmed. I will have to check for you.

**Senator STEELE-JOHN:** The European parliament and other institutions have been very clear with their delegations as to whether or not they should meet with particularly these two ministers. They've given a very clear instruction that they should not, given their statements and human rights positions as well as the policies they are overseeing. Is DFAT intending to provide advice to any delegation in relation to meetings with these two individuals?

**Mr Jadwat:** We haven't made any plans or decisions about advising parliamentarians about who to meet or not to meet in Israel.

**Senator STEELE-JOHN:** In Gaza in the last five days or so, there has been an horrendous amount of violence between different armed groups that has seen 33 Palestinian deaths, including at least 13 civilians, amongst whom six are known to be children. There has also been a record of at least two Israeli deaths. Have there been expressions at a ministerial or intergovernmental level between Australia and Israel on the disproportionate use of force and the number of deaths from this recent escalation in Gaza?

**Mr Jadwat:** We've made regular representations to Israeli and Palestinian officials on the escalating violence both in Canberra and through representatives in Tel Aviv and Ramallah. The foreign minister published tweets on 10 and 11 May which were the most recent ones relating to Israel and the Palestinians. They expressed concern at the deaths of civilians. They also conveyed respect for Israel's right to defend itself amidst rocket fire from Gaza. The minister also expressed the need for de-escalation and restraint following the Israeli strikes on Gaza on 9 May.

**Senator STEELE-JOHN:** In those conversations, has the government expressed a view in relation to Israel's willingness to comply with the current investigation into the situation in Palestine being conducted by the International Criminal Court?

**Mr Jadwat:** In relation to the investigation by the International Criminal Court, did our government appraise that?

**Senator STEELE-JOHN:** Yes. Israel is currently the only non-compliant party to that investigation. Have we stated as a signatory to the Rome statute that we believe they should comply?

**Mr Jadwat:** Not that I am aware of, Senator.

**Senator STEELE-JOHN:** Is the department aware of developments at the UNHCR Makhmour refugee camp, where Kurdish refugees have been suffering considerable abuse? It may not be for you. There has been recently some very concerning reporting about this situation. Is anybody at the table aware of that current situation?

**Mr Jadwat:** I am not aware of that camp. In what country, Senator?

**Senator STEELE-JOHN:** It is hosted, I believe, near the border of Iraq. Basically, the report is this: on 20 May, the Iraqi armed forces surrounded the Makhmour refugee camp using armoured vehicles, police and security personnel. They introduced barbed wire fencing to that dynamic. That has led to really quite serious human rights outcomes for those living in the camp.

**Mr Jadwat:** We'll have to take that on notice and check for you, Senator.

**Senator STEELE-JOHN:** It is also an area that is subject to very close Turkish air strikes. That is also a serious concern. If you take that on notice, that will be great. I will finish with a line of questioning that I am sure the federal government is becoming reasonably familiar with at this point. Given the unfolding revelations in relation to the PwC tax scandal, are you still prepared, Secretary, for your department to engage PwC as a consultant?

**Ms Adams:** Thank you, Senator. The PwC matters have been, as you say, extensively covered in various Senate estimates. From DFAT's point of view, I will certainly be very closely observing, following and implementing whole-of-government approaches that are led by the Department of Finance. We have very few but a small number—

**Senator STEELE-JOHN:** How many?

**Ms Adams:** I will ask the CFO to give the detailed responses. I make the broad statement that we will be very closely implementing the whole-of-government approaches. Thank you.

**Mr Medland:** We have four active contracts with PricewaterhouseCoopers.

**Senator STEELE-JOHN:** What is the value of those contracts?

**Mr Medland:** The combined value is just over \$5 million.

**Senator STEELE-JOHN:** How much has been expended in relation to those contracts so far?

**Mr Medland:** I don't have how much has been expended. They range over a variety of periods. One of them relates to a demand driven service, so we engage them as needed. So the \$5 million really relates to the total length of the possible expenditure that would be incurred. It is effectively what has been put on AusTender.

**Senator STEELE-JOHN:** I am wondering about those contracts you currently have. You said you have four contracts?

**Mr Medland:** Correct.

**Senator STEELE-JOHN:** How can either of you have confidence that PwC won't use confidential information gained in the course of those contracts for commercial gain?

**Mr Medland:** What we have done is ensure that each of the contracts that we have engaged PwC under has a confidentiality clause in place. We have also looked at the various contracts, and we have confidentiality deeds in place.

**Senator STEELE-JOHN:** You have inserted them since the scandal?

**Mr Medland:** I would need to take that on notice. Some were certainly in place. I think one was put in place subsequent.

**Senator STEELE-JOHN:** When was it put in place?

**Mr Medland:** I believe it was yesterday.

**Senator STEELE-JOHN:** It was put in place yesterday?

**Mr Medland:** Correct.

**Senator STEELE-JOHN:** So it wasn't in place before yesterday?

**Mr Medland:** The clauses within the contract were definitely in place, but the deed of confidentiality for the individuals involved in the contract for one of those was put in place yesterday.

**Senator STEELE-JOHN:** What did that contract relate to, Mr Medland?

**Mr Medland:** From memory, it related to the Australia-India Infrastructure Forum. The advice I have on that is that they are not subject to the provision of confidential information, so it's a lower risk procurement.

**Senator STEELE-JOHN:** So the Australia-India Infrastructure Forum?

**Mr Medland:** Correct.

**Senator STEELE-JOHN:** And your advice is that they are not subject to confidential information?

**Mr Medland:** What I am saying is that the information that is provided to PwC under that contract is not of a confidential nature such that it would present as sufficient risk. I would also point out that we have contacted



PwC. They have assured us that all individuals who have been working on the department's active contracts have not been involved in the tax matter.

**Senator STEELE-JOHN:** Is that really worth the digital paper it was written on, though, given the current circumstances?

**Ms Adams:** We sought assurances. We have received some. As I say, we will be closely following overall government responses.

**Senator STEELE-JOHN:** Has the department made any other changes to the way in which it engages or interacts with contractors or consultants as part of the PwC scandal?

**Ms Adams:** I think it is fair to say that any part of government involved in contracting services has been given cause to pay very close attention to the terms of confidentiality arrangements under those contracts. DFAT contracts are of a different type, of course, than the tax advisory services. We are usually talking about the delivery of services, be they conference organising or development assistance for specific projects or more bespoke advisory services.

**Senator STEELE-JOHN:** Mr Medland, could you table for us or provide on notice the project brief for the Australia-India Infrastructure Forum contract that you were referencing earlier?

**Mr Medland:** We could take that on notice.

**Senator STEELE-JOHN:** Thank you. Finally, Ms Adams, would you be prepared, given the current circumstances in relation to PwC, for your department to undertake any further contracts with PwC?

**Ms Adams:** I repeat that we will be following very carefully Department of Finance advice. I have heard various comments made by the finance minister and Treasurer in terms of operating legally with respect to contracts.

**Senator STEELE-JOHN:** Your Health counterpart just said no—

**Ms Adams:** We are also quite—

**Senator STEELE-JOHN:** which was refreshing.

**Ms Adams:** I beg your pardon?

**Senator STEELE-JOHN:** Your Health counterpart just said no. So you are saying that you are following it carefully. Other secretaries just say no.

**CHAIR:** I think the secretary can only provide the response that she can provide. I will have to move the call along.

**Senator STEELE-JOHN:** Yes.

**Senator BIRMINGHAM:** Secretary, does the department ever have cause to raise with your counterpart departments concerns about their representatives, particularly their heads of mission in Australia?

**Ms Adams:** I am sorry, Senator, I didn't get the gist of your question.

**Senator BIRMINGHAM:** Does the department or the government ever have cause to raise with your departmental counterparts overseas concerns about their heads of mission, their representatives in Australia?

**Ms Adams:** Not as a normal practice.

**Senator BIRMINGHAM:** As a normal practice, hopefully you are not dealing with concerns of our own either in that sense. Normally, you hope that everybody is performing and engaging as you would expect them to. Are there occasions where an ambassador or high commissioner here in Australia, in the performance of their duties, engages in ways that causes DFAT to raise that with your counterpart departments?

**Ms Adams:** It seems like—

**Senator BIRMINGHAM:** Help has appeared at the end of the table, Secretary.

**Ms Adams:** I beg your pardon?

**Senator BIRMINGHAM:** Help has appeared at the end of the table.

**CHAIR:** I am sure the secretary is more than capable of giving a response.

**Ms Adams:** I think it is hard to say never in these things.

**Mr McConville:** It's obviously a hypothetical question, Senator. There have been no examples that I could draw on that would come within the definition of what you are proposing.

**Senator BIRMINGHAM:** So there have been no recent examples, to your knowledge, Mr McConville, of the department raising concerns with counterpart departments in other countries about their ambassadors or their high commissioners in Australia?

**Mr McConville:** Certainly not through the office of the Chief of Protocol. But I can't comment on any other conversations that might have taken place at a bilateral level.

**Senator BIRMINGHAM:** Secretary, have you had any conversations or are you aware of your deputy secretaries having conversations with other countries about the performance or approach of their ambassadors or high commissioners in Australia?

**Ms Adams:** If I had, I wouldn't think it would be appropriate for me to comment. No, I've had no such recent conversation.

**Senator BIRMINGHAM:** Are you aware of whether any of your ministers have?

**Ms Adams:** No. Not to my knowledge.

**Senator BIRMINGHAM:** Not to your knowledge?

**Ms Adams:** No.

**Senator BIRMINGHAM:** I want to go to the engagement of government with a recently departed ambassador. Did Minister Wong have meetings with former Japanese ambassador to Australia Yamagami?

**Ms Adams:** They would have met on various occasions, yes.

**Senator BIRMINGHAM:** Would they have one-on-one meetings or meetings just with their own officials or staff present as distinct from meeting at broader gatherings and events?

**Ms Adams:** The foreign minister wouldn't have very many meetings with ambassadors one on one.

**Senator BIRMINGHAM:** There would be occasions where foreign ministers meet and have such discussions, particularly in advance of major events or ministerial or leader level dialogue, wouldn't there?

**Ms Adams:** With staff and so on, that can happen from time to time, of course.

**Senator BIRMINGHAM:** What meetings did Minister Wong have with Ambassador Yamagami?

**Mr Cowan:** Minister Wong met Ambassador Yamagami on 13 September last year.

**Senator BIRMINGHAM:** That was the last such meeting, then, between the two?

**Mr Cowan:** To my knowledge, yes, that was the substantive meeting that Senator Wong had with then Japanese ambassador.

**Senator BIRMINGHAM:** What sort of normal protocols or exit meetings and engagements usually occur with departing heads of mission, particularly from significant partner nations such as Japan?

**Ms Adams:** There wouldn't be a rule or a standard procedure. It would very much depend on circumstances, travel schedules, availability and parliament. We don't have a system of farewell calls to an ambassador by the foreign minister.

**Mr Cowan:** If I may, the Japanese ambassador did not seek a farewell call on Senator Wong.

**Senator BIRMINGHAM:** Thanks, Mr Cowan. Did he have a farewell call or meeting with you, Secretary?

**Ms Adams:** I invited Ambassador Yamagami for a farewell lunch, which I hosted. I had also hosted him for a farewell lunch in Tokyo on his way to Australia when I was ambassador in Japan. So it was a fitting—

**Senator BIRMINGHAM:** A nice bookending there, Secretary Adams?

**Ms Adams:** Very much so.

**Senator BIRMINGHAM:** Can you take on notice, please, whether the minister or any other ministerial representatives have had any discussions with counterparts about the appropriateness or performance of other countries' heads of missions in Australia?

**Ms Adams:** Certainly.

**Senator VAN:** I have two quick questions. Ms Adams, has the foreign minister called in the Iranian charge d'affaires to her office, or has it just been someone from your department?

**Mr Jadwat:** I have called in the Iranian charge. I called him in on 16 May to express concern about potential executions and about the human rights situation in Iran in general and to condemn—

**Senator VAN:** Thank you, Mr Jadwat. I appreciate that you have done that. My question was whether the minister has called him.

**Mr Jadwat:** Has the minister called in the Iranian charge herself?

**Senator VAN:** Yes.

**Mr Jadwat:** Not that I am aware.

**Senator VAN:** Ms Adams, are you aware?

**Ms Adams:** No, I'm not aware. As I say, it would be more usual for ambassadors to interact with the department.

**Senator VAN:** Thank you. Separately and similar to Senator Birmingham's questions about the sports council, I am aware that the Council on Australia Latin America Relations hasn't met for six months or more. Has that been put in abeyance or is it not being used any more, if that's the right way to put it?

**Ms Adams:** I would have to seek some advice. I am pretty sure it hasn't been put into abeyance.

**Mr Cowan:** No. The Council on Australia Latin America Relations has not been put into abeyance.

**Senator VAN:** But it hasn't met since December last year. Is that correct?

**Mr Cowan:** I will have to take on notice when it last met. I am aware that it hasn't met for some time.

**Senator VAN:** Why is that?

**Ms Adams:** There's no particular reason that I'm aware of. We have been taking a look internally, as an internal matter, at the functioning of the various councils we have, such as the Council on Australia Latin America Relations. But they are not in abeyance or suspended or anything like that.

**Senator VAN:** Is your evidence that all your councils haven't met for six months?

**Ms Adams:** No. That's not my evidence.

**Senator VAN:** Can you take that on notice and come back to me as to which ones have met and when, please?

**Ms Adams:** Certainly.

**Ms Chan:** I can say that at least the Australia-ASEAN Council and the Australia-Indonesia Institute have met.

**Senator VAN:** That is two out of how many?

**Ms Adams:** The geographic responsibility is dispersed. It will be easier if I come back to you with a consolidated response.

**Senator VAN:** It is two out of quite a lot, isn't it?

**Ms Adams:** I beg your pardon?

**Senator VAN:** It's two out of quite a lot?

**Ms Adams:** There may be more. It will be more efficient if I consolidate that advice and put it on the record for you.

**Senator VAN:** Thank you.

**Senator McCarthy:** I want to follow up on Senator Van's questions in relation to Senator Wong. I am certainly happy to follow that up.

**CHAIR:** Thank you, Minister.

**Senator FAWCETT:** I want to go to AUKUS. Most people when they think of AUKUS think of the defence department as having the lead. I am assuming our mission in the United States has a key role. Secretary, could you just outline the role of the mission in Washington with regard to AUKUS?

**Ms Adams:** Thank you. Various of our missions would have responsibilities with aspects of the AUKUS partnership. For example, there is our mission in Vienna, as well as London and Washington, but even more generally. The role of the embassy in Washington would be to obviously pursue Australian objectives with issues that we are working with the Americans on.

**Senator FAWCETT:** Sure. One of the key issues there is in the statement that both the United States President and our Prime Minister made with regard to Australia being regarded as a 'domestic source' within the meaning of title 3 of the US Defense Production Act. I am wondering whether our mission there has had any briefings from the US, either the administration or congressional contacts, on the drafting and tidying of any legislation that may be amended to enable that?

**Ms Adams:** I know that the embassy has been active on that issue with the administration and the Congress, including in the lead-up to the expected visit of the President of the United States. On the specifics of your question with respect to legislation, I'm not sure. It's probably part of it.

**Dr Sawczak:** This perhaps is more of a question for Defence. Certainly in the past I know that Defence has been active in activating or giving better effect to our inclusion in the US National Technology and Industrial Base, with which I know you are familiar. It one vehicle for ensuring Australia gets an even playing field in engaging on US contracts in relation to US companies, especially in the defence sector. That has been a longstanding ambition that Defence has been leading on. A positive outcome we had from the bilateral meeting between President Biden and the Prime Minister in Hiroshima was reflected in the joint statement that came out. The President is undertaking to explore with Congress the possibility of Australia's inclusion under title 3 of the Defense Production Act as a domestic source. The only such country that is included in title 3 is Canada. Of course, that would open up opportunities for US co-investment, for example, in Australia. Australia would be considered, as you noted, a domestic source and have applicable US government funding and grants and related concessions.

**Senator FAWCETT:** Sure. I guess I am conscious of the history, though. You mentioned the NTIB. Former senator John McCain was heavily involved in it. In fact, he basically led and sponsored that action. Groups of both congressmen and senators then wrote open letters to the House and Senate Armed Services Committee opposing it. Have we seen any similar opposition? Have you received briefings as to the status of implementing the undertaking that the two leaders announced recently?

**Dr Sawczak:** In relation to the last part of your question, no, I haven't. That announcement was made very recently, of course. As for past engagements in relation to our inclusion in the DPA, that is a matter really for Defence, which has the lead on it, rather than this portfolio.

**Senator FAWCETT:** Sure. The ITAR, the International Traffic and Arms Regulation, is not run by the Pentagon. That is a State Department issue. Given the peer relationship between DFAT and the State Department, what role is DFAT playing in engaging with the State Department in terms of getting them on board and committed to supporting a congressional amendment to actually allow these changes to take place?

**Dr Sawczak:** Well, this is a whole-of-government effort, of course. In the Australian system, Defence, as you know, is responsible for military and dual-use export controls and export licensing. In the US system, it is the Department of Commerce in relation to dual-use exports and the State Department, as you note, in relation to military exports. That is run from the pol mil bureau in the Department of State. This is something that we have been putting a lot of effort in. We have been advocating for reforms that would permit tech transfer and information sharing to facilitate not only our AUKUS partnership in relation to pillar 1 and pillar 2 but more broadly to better facilitate our defence cooperation. That is ongoing work. There was a recent house foreign affairs committee hearing. At it, the head of the pol mil bureau, Jessica Lewis, noted that work was afoot in relation to AUKUS for a short-term trade authorisation measure. One of my colleagues might be able to speak to it. She also noted the longer term in relation to legislative change to facilitate better technology transfer between Australia, the US and possibly other AUKUS partners. That is the latest, as far as I am aware.

**Senator FAWCETT:** Sure. The TORPEDO legislation stands for Truncating Onerous Regulations for Partners and Enhancing Deterrence Operations. That is a fantastic acronym. Has DFAT had a brief on that by your contacts in Congress?

**Dr Sawczak:** Our embassy has been briefed on that, of course. We are working very closely with relevant congressional committees and representatives.

**Senator FAWCETT:** So, again, this is the same question I had at the start. Is there any indication from your briefings as to the timing and scope of it in terms of whether it will go directly to addressing some of the ITAR concerns? Again, has there been any repeat of the 2017-18 machinations within the Congress, where people have perhaps opposed it for whatever reason? That certainly occurred then. I am interested to know if that is occurring again now.

**Dr Sawczak:** It's really for Defence to comment on the merits of that draft legislation. Certainly, Congress is very active on this issue. Our embassy has likewise been very active in profiling our interests in better facilitation of technology transfer through mutual recognition of our protective security arrangements. The TORPEDO Act, as far as I am aware, is an initiative on behalf of Congress. I am not aware to what extent it is in response to briefings from the administration. It is just one of those efforts that Congress is undertaking in order to profile this issue and get progress on it. But Defence is better positioned to talk about the relevance of the issues being addressed there.

**Senator FAWCETT:** Sure. I take your comment about Defence commenting on the merits. You have made the point several times that DFAT is working very hard. In fact, I think one of your staff in Washington likened it to working through the permafrost to actually try to get outcomes there. Could you take on notice, then, for the

committee, if you don't know offhand, what briefings our staff in Washington have had in relation to either the administration driven initiatives around legislative reform or this initiative, which has been referred to by two individual members of the Congress?

**Dr Sawczak:** Of course. As soon as I can do that.

**Senator FAWCETT:** Thank you. Has DFAT or the AUKUS task force briefed our government on additional measures here that could speed up the whole process in terms of the implementation from AUKUS and meeting US expectations? The narrative to date seems to be that it is all on their shoulders and we are waiting for them to reform. Have we had feedback to say there are things we should change? That is the first question. Secondly, have there been any briefings to government that there are things the US believes we should change to help them accelerate their process?

**Ms Lawson:** They are questions that should be directed to the Department of Defence.

**Senator FAWCETT:** I accept that in part. Clearly, Defence is one of the key customers for the benefit of AUKUS 2, but DFAT has a key leadership role in our relationship with the US. The counterpart agency that controls ITAR is your counterpart agency. Indeed, you play a similar role here. I am interested to understand whether any briefings have been received to indicate that there are things we should be addressing from a whole-of-government perspective that our staff in the mission in Washington have been briefed on?

**Ms Adams:** I think it's fair to say, Senator, that the whole system—DFAT, Defence and, actually, other interested departments, for that matter—hears messages from the United States about their responses to not just our requests but to how we are going to together manage the technology issues to basically underpin the AUKUS capability partnership. There is information around it. I don't know about a briefing as such. There is debate about this whole package of issues. Some of it is in the public domain through Congress. We are not further able to, not because of any secrecy but because it is not at a stage where I could articulate more detailed advice to government.

**Senator FAWCETT:** Secretary, you mentioned some of the public debate. There is recent media that concerns have been raised formally by one of the oversight mechanisms within the Congress. There are questions around AUKUS and what, particularly, pillar 1 around the submarines may mean. That is the sort of thing I am interested to understand. Has there been engagement with our mission there on those concerns formally and the actions we might take that would alleviate the concerns that parts of the administration or Congress are raising?

**Ms Adams:** I think it would be mostly through Defence discussions and through the submarine task force that those conversations would be had.

**Senator FAWCETT:** I accept the fact that you think that, but could you take that on notice and come back to us as to whether DFAT has actually had specific meetings outside of what the task force has been doing?

**Dr Sawczak:** An outcome from AUSMIN last year, reflecting the joint statement, was a mutual obligation to streamline export controls independent of AUKUS but as a general priority in our relationship. We have had extensive conversations both in the AUKUS context and in terms of defence cooperation between the State Department, the office of the Secretary of Defense in the Pentagon and Defence and DFAT officials. There has been a lot of progress in terms of what is on offer. Certainly you were right to reference protective security. The US does want to understand our protective security measures better in order to understand to what extent it can approach export control reform on its part. Of course, ultimately, what sort of reforms the US entertains will be a matter for the US, but these are conversations in which we have been very engaged. DFAT is probably not authorised to understand how useful some of the measures are. Of course, Defence is the administrator of export licensing, so it is for Defence to really determine whether they will be effective in addressing ITAR constraints and breaking down more general export control barriers. But those conversations are moving and progressing well and have been since this issue was raised in the context of AUSMIN at a more senior level at the end of last year.

**Senator FAWCETT:** You mentioned streamlining beyond AUKUS. That is certainly true. The joint statement says, and I quote:

streamline technological and industrial base collaboration, accelerate and strengthen AUKUS implementation, and build new opportunities for United States investment in the production and purchase of Australian critical minerals, critical technologies, and other strategic sectors.

Many of those are outside the remit of Defence. Can you comment on progress against those other elements, particularly in terms of those government-to-government essentially offtake agreements around things such as critical minerals?

**CHAIR:** Senator, do you have further questions? It is time for a break. I am happy for the officer to come back and provide a further response.

**Senator FAWCETT:** I have one more after this answer, Chair, if you can stretch the time until your cup of tea that far.

**CHAIR:** Sure. We'll have a quick response from the department and then head back to Senator Fawcett.

**Dr Sawczak:** Look, you are quite right, Senator, in relation to the Defense Production Act. It is a catch-all for effectively recognising Australia as a domestic source. It would have very broad-ranging implications for our collaboration on clean energy transition, critical minerals and other areas that we reference in the compact that our Prime Minister and President agreed in Hiroshima. I think my colleague Ms Stylianou can comment in more detail on the critical minerals part of it.

**Ms Stylianou:** As my colleague has mentioned, just last week the leaders of the United States and Australia issued a statement of intent. Under it, there was a compact in relation to climate and energy transition that was agreed between our countries. It looks at critical minerals in some detail. The work there is being led by DCCEEW. Last week, in Detroit, the trade minister met with the Secretary of Commerce. He also met with the US trade representative and met with the chair of the House Ways and Means Committee, Jason Smith, to talk about collaboration that we could have in the critical minerals space. That was with an eye on the regulation that might be developed under the Defense Production Act and what we might be able to do and achieve. Yes, we are very actively engaged at senior levels. Our embassy at all levels is engaged in the discussion about what the regulation might look like and what the opportunities might be for Australia. It is quite a good opportunity for Australia to be recognised as a domestic source under the Defense Production Act. It gives our exporters an opportunity to obtain funding and subsidies, essentially, under the US system as if they were US producers of critical minerals. There are quite some opportunities to be worked through. But, as you point to, the devil will be in the regulation. Our embassy and our ministers and officials at all levels of government, including in DCCEEW, which is leading, and Department of Industry, Science and Resources, are working towards making sure we get the most out of it.

**Senator FAWCETT:** Thank you. You mentioned access to funding. This is my final question. Has the budget and the fact that there is no new funding for defence been raised by any of the interlocutors in the United States as an issue of concern regarding Australia's commitment to defence capability?

**Ms Adams:** Not to my knowledge, no.

**Senator FAWCETT:** Could you take that on notice?

**Ms Lawson:** We have no record of them having expressed concerns.

**CHAIR:** Thank you very much. We will now suspend and come back after afternoon tea.

#### **Proceedings suspended from 16:04 to 16:23**

**CHAIR:** Good afternoon, everyone, again. Before I hand over the call to senators, I want to now welcome Senator the Hon. Don Farrell who is representing the Minister for Foreign Affairs for the remainder of the day, as I understand it. Welcome, Minister.

**Senator Farrell:** Thank you, Chair.

**CHAIR:** I did ask the minister at the start of the day, but do you have anything you want to add as an opening statement from your end?

**Senator Farrell:** No. I don't. Thank you, Chair.

**CHAIR:** Senator White, I will hand the call to you.

**Senator WHITE:** I have some questions about the aid budget. Can the department please outline the new measures for ODA in the 2023-24 budget?

**Mr Brazier:** I am sorry, Senator. Would you be able to repeat your question for me, please?

**Senator WHITE:** Can the department please outline the new measures for ODA in the 2023-24 budget?

**Mr Brazier:** Yes. In 2023-24, Australia will provide an estimated \$4.77 billion in total official development assistance, which is an increase of \$117.3 million from the 2022-23 figure. This has allowed most bilateral programs to receive an increase. The 2023-24 budget provides for \$313.6 million in new ODA commitments over the next four years, including \$191.8 million in new initiatives and \$121.8 million as a result of indexation being applied to the final year of the forward estimates. This is in addition to the \$1.4 billion over four years in ODA announced at the 2022-23 October budget. The government will provide in total in 2023-24 \$1.91 billion in development assistance to the Pacific. All bilateral allocations to Pacific countries have been increased. In South-East Asia, the government will provide an estimated \$1.24 billion in development assistance, with allocations across all bilateral and regional lines increasing, except for in Myanmar. For south and west Asia, all estimated

bilateral and regional allocations remain stable, apart from Sri Lanka, which has a decline for very specific reasons relating to the economic crisis in that country. Allocations to the Middle East and Africa will increase by \$2.9 million. Allocations will increase for climate change and environment, humanitarian emergencies and refugees, education and scholarships and for gender equality, disability and social inclusion, including for LGBTQIA+ communities.

The government is committed to improving regional and global health outcomes. In 2023-24, it will contribute an estimated \$348.7 million towards these efforts. This represents the beginning of a return to funding levels following the non-ongoing budget measures in 2022-23.

I'm grateful to the secretariat for distributing the development budget summary document earlier this morning. The reason I was eager for senators to see this is the budget statements themselves aren't very intuitive on the ODA. You can find most of it in various parts of the budget papers, but not including for other government departments, for example. So this document contains tables which set out all of those allocations by bilateral partner, by region and by global partner. It also shows estimated flows by partner country. It details ODA implemented by other government departments. It has a breakdown of estimated flows by sector. Finally, it has the projected ODA over the forward estimates, Senator.

**Senator WHITE:** I think that is important because of exactly what you said. The budget papers don't illuminate where it is all going. I think the detail is really important to understand. I think you have covered off some points. Can you also explain to me how much ODA was allocated for climate change and environment in 2023-24? I don't think you mentioned that in your overview summary.

**Ms Wilde:** In 2023-24, the government will increase the estimated allocation for climate change and environment to \$142.2 million, which is an increase of \$5 million from 2022-23. It is important to note that Australia's ODA climate change and environment budget line is only a proportion of Australia's overall climate finance, with additional funding provided through bilateral and regional programs. Australia has delivered \$988.9 million towards the \$2 billion climate finance commitment.

**Senator WHITE:** So it's important, as you say, to join the dots. This is one aspect of it. By joining the dots and understanding the total picture, you get to carefully understand it. Am I getting that picture from you? It is fair to say, isn't it, that the big picture, though, is that there is \$10 billion additional ODA that the government has allocated over the medium term? That is the big picture?

**Mr Brazier:** I believe the figure in the budget papers is \$8.6 billion, which is projecting 10 years out.

**Senator WHITE:** I think I have raised this before. Why is the government providing new funding for development capability in the department? Can you explain that?

**Mr Brazier:** Sure. The budget allocated \$36.8 million over the forward estimates to boost the department's development capability. I see this really stemming from three factors. One is that we are for the first time in nearly a decade growing our program. We are having to implement more. Second, we have the emergence of new, quite complex instruments. Over many years, the aid program has consisted almost entirely of the grant component. We are now implementing investment vehicles and doing more lending, for example, which requires technical expertise to be developed in the department. Of course, we are subject to the same sort of competitive pressures as the rest of government to keep our best people and to provide them with the ongoing development to ensure that the aid program is implemented in the best possible way.

**Senator WHITE:** In layman's terms, for those listening at home, you have to have good people with skills to implement the program. You can put money at it. The complexity of what you are doing is greater than it has been in the past. Am I hearing correctly what you said?

**Mr Brazier:** That's true, Senator. It's increasingly complex. Of course, we operate in dozens of different environments with different levels of development. These places that need development assistance are, by their very character, places where institutions and local capability aren't as high. So the risk to effective implementation is highly variable across the network. It requires constant vigilance to ensure that effectiveness is assured.

**Senator WHITE:** As I think you said, it's not a static environment, is it? It is ever-changing. Our relationships change and what is happening in particular countries changes as well. Would that be a fair assessment of it?

**Mr Brazier:** That's right. At its most extreme, some of these countries are subject to severe natural disasters or sometimes other factors that cause the environment to become very dynamic, often in a negative way. These countries' needs are also changing as they develop. If these countries remain on a positive trajectory, the needs evolve from capacity substitution—in other words, foreign donors doing things on the front line at what you might call the retail end—to much more high-end technical advice at the heart of government.

**Senator WHITE:** Some of my colleagues—not me, because I am just a new person—have seen in estimates that as a result of the previous government's abolition of the Australian aid agency, more than 1,000 years of development expertise was lost. Would it be correct to say that the government is trying to get it back with funding this additional capability?

**Mr Brazier:** I agree. There were good people who left the department. There were also excellent people who remained in the department. We still have a very high calibre workforce, especially in the technical areas of the department. I wouldn't say that there is any deficiency that we're trying to restore here. It's really that the aid program is growing again. We are working in new technically demanding ways. Therefore, we need to sustain this.

**Senator WHITE:** I am not implying that those who left didn't have expertise. What is happening now is you are turning it around. You are saying, 'We do value. We will need to get more people because it is more complex. We are putting more money into it. The existing people who are good cannot just do it on their own.' That is what I was trying to get at. I didn't mean to slight those who had left in any way. I think that is pretty much it. Where are you drawing those additional experts from? Where are you getting them from, given, as you said, the skilled market is tight, isn't it? Where can you source the sort of people that the department needs to do this work?

**Mr Brazier:** Above all, we try to develop the people we have already, our more junior staff who are coming through. We ensure that they are receiving the kind of training and experience that will equip them for the more complex tasks that they will be responsible for down the track. In terms of places that people come from, in my experience, there are people who return to the department. For example, they might go out for a while and work in a multilateral institution, such as the World Bank or the Asian Development Bank. We would always like those people to come back.

**Senator WHITE:** I tried to write down what you said. Did you tell us how much ODA will be allocated to the Pacific in 2023-24?

**Mr Brazier:** I think I did.

**Senator WHITE:** Could you say that again?

**Mr Brazier:** The estimated flow for 2023-24 to the Pacific is \$1.906 billion.

**Senator WHITE:** Thank you very much.

**CHAIR:** Thanks very much, Senator White, for those questions. I will hand the call to you, Deputy Chair.

**Senator CHANDLER:** I might keep the witnesses at the table because I have a few more questions about development assistance. In the May 2023 budget, the government announced \$1.9 billion for Pacific islands engagement over five years. Is that correct?

**Mr McDonald:** Yes, that's correct.

**Senator CHANDLER:** How much of this is new money?

**Mr McDonald:** In terms of the overall \$1.9 billion, there is, as I think you got through discussions with Defence yesterday, reprioritisation within that \$1.9 billion for Defence and an offset within our own portfolio of about \$30 million-odd, from memory. It is \$68 million overall. Ms Peak may give the breakdown. In my mind, it is \$30 million-odd for this year and about \$30 million-odd for last year. It was to do with vaccines and the temporary targeted initiatives.

**Senator CHANDLER:** Ms Peak, do you have anything to add?

**Ms Peak:** Mr McDonald is absolutely right. So \$68.1 million has been returned to government as a result of a COVID vaccine certification initiative that was no longer relevant in the circumstances. We anticipated through COVID that there would be quite extensive vaccine certification required as we were opening up borders and had requirements to show our vaccine certificates when travelling. Of course, that dropped away quite quickly. In the Pacific Islands Forum, in fact, it was taking forward that work that the Pacific had decided was no longer a priority. So \$68.1 million for DFAT was returned. Mr McDonald mentioned the reprioritisation of the Defence component of the package. The final component that was reprioritised was \$1.4 million for DEWR. Apart from those three components, it was all new money, so to speak.

**Senator CHANDLER:** But most of this measure isn't in the ODA bucket?

**Ms Peak:** You're absolutely right. Most won't come from the development budget. So \$114 million will come from the development budget in terms of the measures going forward over the forward estimates.



**Senator CHANDLER:** I hope I don't have to get more witnesses up and down to the table, but it might be inevitable. While we're on ODA, I have a couple of questions about initiatives in the area. Can I please have an update on how the Australia Pacific Defence School is operating?

**Ms Peak:** The Australia Pacific Defence School may be a Defence initiative. It is not one for our portfolio, I'm sorry.

**Senator CHANDLER:** Sure. That's all good. Thank you for that. I might know the answer to this next one. Are investments in AFP partnerships within the Pacific counted as ODA expenditure through you guys, or is that through the AFP?

**Ms Peak:** There was \$317 million allocated as part of Pacific measures to the AFP that is not coming from the development budget. You are absolutely right that the AFP will implement that measure.

**Senator CHANDLER:** Pacific maritime security?

**Ms Peak:** Defence.

**Senator CHANDLER:** I think that probably gets me through those questions. I have some more ODA questions on our humanitarian assistance. I will double-check that we haven't covered this. We probably covered the Sudan part earlier today, so I will try to skip over that. Somalia is rated as the country most at risk of famine in the world. I note that it wasn't included in the announcements that the government had of, first, \$15 million and then \$25 million to avert hunger in the Horn of Africa and Yemen. I wonder why that is the case.

**Ms Delaney:** Somalia actually is included in the \$29 million recent Horn of Africa announcement.

**Senator CHANDLER:** That is good to know. I must have misread that. What is the total amount of ODA that we're providing to Yemen?

**Mr Brazier:** In terms of humanitarian assistance, Senator? I don't think we have a bilateral program. We do not have a typical bilateral program with Yemen. Owing to the severe drought that has affected that part of the world, I believe that some of our contributions have found their way to Yemen through the very substantial core contributions we make to global multilateral institutions. I will ask Ms Delaney to expand on that if she can.

**Ms Delaney:** Certainly that is the case through the range of UN partners we support through core contributions. The government has also made three announcements that included responses to Yemen. The first was on 23 September, which was an announcement that related to the Horn of Africa and Yemen. That included \$5 million for Yemen. There was also an announcement made on 11 February which included \$15 million for the Horn of Africa and \$5 million for Yemen. The announcement that was made earlier this week, on 29 May, included \$4 million for Yemen. So there is \$14 million in total in humanitarian responses.

**Senator CHANDLER:** Thank you, Ms Delaney. What assistance has been provided to Afghanistan? How is that money being distributed?

**Ms Delaney:** I will need to defer to my Afghanistan colleagues on how they are managing the programming associated with that.

**Mr Jadwat:** We have publicly pledged \$141 million in humanitarian assistance since the Taliban takeover in 2021 to respond to the Afghanistan crisis. We are on track this year to meet that \$141 million target. The aid program at the moment is based on a \$50 million program, which is distributed mainly to UN partners.

**Senator CHANDLER:** That was my next question. How is the money being distributed? Mainly through the UN is what you are saying. Earlier this year, the Australian government committed \$18 million in humanitarian assistance for those affected by the earthquakes in both Turkey and north-west Syria. Could the government provide—I think this might have to be on notice—a breakdown of that funding, with the amount, the date it was announced, who the funding has gone for, what it was for and whether it has been expended?

**Ms Delaney:** I can give you an update on the expenditure over the year.

**Senator CHANDLER:** Wonderful. If you can do that verbally, that would be fantastic.

**Ms Delaney:** Yes, the government announced \$18 million in emergency assistance for Turkey and Syria in response to the earthquake. In Turkey, approximately 75 per cent of that has been expensed. That assistance included \$4 million through the Red Cross and Red Crescent partners, who delivered an estimated 18,800 blankets, 4½ thousand tents, 6,900 hygiene kits and 10½ million hot meals and assisted 4,000 people with psychosocial support. Two million dollars of the assistance was provided through the Australian Humanitarian Partnership, which went towards supporting 4,245 people, including 2,490 children with urgent child protection, mental health and psychosocial support. Approximately \$2½ million went to fund the costs of the deployment of the 72-person disaster assistance response team. It provided urban search and rescue assistance and associated

donated equipment when that response team departed. That leaves between \$2.5 million and \$2.7 million. We are currently working with our Australian Humanitarian Partnership partners to look at ongoing needs. We will be distributing those remaining funds with a focus on women and children and people with a disability who are at heightened risk as a consequence of displacement resulting from the earthquake. In relation to the Syria expenditure, which was \$6.5 million, 100 per cent of those funds have been dispersed. In north-west Syria, \$3 million went through the UN children's fund and \$3½ million went through the UN population fund, the UNFPA.

**Senator CHANDLER:** Thank you, Ms Delaney. Chair, I have another tranche of questions that I think Mr Jadwat will be able to answer given he is at the table. I reckon it will be about 10 minutes.

**CHAIR:** That's okay. I will give you until 5 pm—

**Senator CHANDLER:** That would be wonderful.

**CHAIR:** and then I will hand over to Senator Faruqi.

**Senator CHANDLER:** Thank you very much, Chair. I have some questions about our diplomatic relations with Afghanistan.

**Mr Jadwat:** With Afghanistan?

**Senator CHANDLER:** Yes. What is the current level of diplomatic engagement with Taliban authorities in Afghanistan?

**Mr Jadwat:** Senator, it's very limited engagement. We have an interim mission to Afghanistan based in Doha that has four Australian-based officials based there. We don't recognise the Taliban as a legitimate government. Our longstanding policy is to recognise states, not governments. We, like our like-minded, have limited engagement, where necessary, to prosecute Australian interests. An example is consular cases, security issues or human rights advocacy. We normally do that in group settings. We keep that engagement, as I said, on a very limited basis.

**Senator CHANDLER:** Are the officials you have there meeting bilaterally or only in multilateral settings?

**Mr Jadwat:** Mostly in multilateral settings. I understand that there may have been a couple of phone calls on consular issues. We take a very careful approach. Our special representative on Afghanistan, Glenn Miles, uses his judgement very well on a case-by-case basis.

**Senator CHANDLER:** Great. Has the government ruled out reopening an embassy in Kabul or appointing an ambassador to Afghanistan while the Taliban remains in power?

**Ms Adams:** I don't think a ruling out in terms of a forever policy statement has been made. We are operating on the interim mission.

**Senator CHANDLER:** Sure. I wouldn't expect a forever statement. Is it the intention that while the Taliban remains in power we won't have an embassy presence in Afghanistan?

**Ms Adams:** We have the interim arrangement as a result of the Taliban situation in Afghanistan. I think we expect that to be the way we will engage our Afghanistan interests for the near term.

**Senator CHANDLER:** We've seen the Taliban ban girls from attending school and women banned from attending university or their place of work. Is it DFAT's assessment that the Taliban intends to permanently stop women and girls from being educated and working?

**Mr Jadwat:** We certainly hope that is not the case. For the time being—

**Senator CHANDLER:** I think we all hope that is not the case.

**Mr Jadwat:** We are operating on the basis that is, unfortunately, going to be a long-term edict. We are continuing, of course, to work with international partners, particularly UN agencies, to fund programs and make sure that they are distributed to women and girls in particular. A lot of it is based on the ability of women to distribute, monitor and receive aid. That will be a key factor in determining future decisions on funding.

**Senator CHANDLER:** You said earlier that funding was mainly going through the UN to get into Afghanistan. I guess that a portion of that funding is intended for these sorts of initiatives?

**Mr Jadwat:** Absolutely.

**Senator CHANDLER:** Is DFAT concerned that other nations may start to recognise the Taliban and allow them to gain legitimacy and influence? Are we being active in the representations we are making to make sure that doesn't happen?

**Mr Jadwat:** Well, I cannot speculate on what other governments are planning to recognise the Taliban. I think it would be a very limited number. I don't know of any in recent times that have recognised them. It is certainly not our intention to do so.

**Senator CHANDLER:** Thank you. Has the government applied sanctions for human rights abuses to any Taliban officials since they retook power?

**Mr Jadwat:** I will check that for you. My understanding is that we have maintained sanctions that were already in effect. I don't believe we've introduced any new sanctions or autonomous sanctions on the Taliban since they took power.

**Senator CHANDLER:** I think you have probably already answered this. Are there any other sanctions in place against the Taliban government currently?

**Mr Jadwat:** No.

**Senator CHANDLER:** I was very efficient with that line of questioning, Chair.

**CHAIR:** That is okay. You have nothing else in that big pack?

**Senator CHANDLER:** I have so many other questions that I could ask, but Senator Fawcett has one.

**Senator FAWCETT:** I have one quick one.

**CHAIR:** One quick one, and then we will go to Senator Faruqi.

**Senator FAWCETT:** I want to go to our humanitarian budget to the Ukraine. Does DFAT have a role in that as opposed to Defence if it is humanitarian as opposed to military assistance?

**Mr Brazier:** Yes. Any allocation of humanitarian funding, typically from the humanitarian emergency fund, would be from the DFAT appropriation.

**Senator FAWCETT:** One thing I raised with Defence during the Defence estimates was the need for mine detectors. Many of the casualties, civilian and military, are due to mining. Mine detectors are as much a humanitarian assistance measure as they are military in terms of protecting the civilian population. I am aware that Defence has given a couple of their F3 mine detectors, which are produced by Codan, an Australian company. I am aware that the Ukrainians have asked for more of the Codan mine detectors. Have you engaged with the ambassador around the issue of mine detectors? Is it being considered as part of humanitarian support for Ukraine?

**Mr Cowan:** Yes. I am aware of that request in relation to demining equipment. I think that is under consideration. Let me take that on notice and liaise with Defence. We can come back to you on that point.

**Senator FAWCETT:** Sure. Thank you.

**Senator FARUQI:** Good afternoon, everyone. I might start with a few questions about the department's cultural and linguistic diversity strategy 2018-21. The strategy says that the department will conduct a cultural audit of the senior executive service—that is SES employees, heads of mission and heads of posts—to facilitate a more accurate picture of CALD representation in senior positions. Has that audit taken place?

**Ms Casson:** I missed the start of your question as I was coming to the table. I can give you an update on some of those statistics for our leadership roles in the department.

**Senator FARUQI:** So the audit has taken place?

**Ms Casson:** I will take on notice whether we've done a specific audit. I can certainly give you the state of play today. Since 2015, our employment of employees from non-English speaking backgrounds has increased from 11.5 per cent to 14.6 per cent. We are currently doing some work on a new CALD action plan, working closely with the Australian Public Service Commission, to ensure that what we are doing in the department is consistent with what is happening at the APS level.

**Senator FARUQI:** Could you take on notice, please, if that audit has been completed?

**Ms Casson:** Yes.

**Senator FARUQI:** Can you provide the results of that audit?

**Ms Casson:** Yes.

**Senator FARUQI:** And, if it hasn't been done, when it is going to be done?

**Ms Casson:** Can do. Thank you, Senator.

**Senator FARUQI:** I also asked at the last estimates on notice what actions the department is taking to ensure senior diplomatic appointments—by that, I mean high commissioners and ambassadors as well—are reflective of Australia's cultural diversity. Do the figures you gave me include high commissioners and ambassadors?

**Ms Casson:** They are our overall staffing numbers.

**Senator FARUQI:** So it includes everyone?

**Ms Casson:** Yes. We can certainly provide you with some more detail on notice.

**Senator FARUQI:** In response to my question, the department said that it is committed to ensuring the overseas network represents the diversity of modern Australia and that the department considers diversity information provided by candidates when assessing candidate applications for overseas appointments. You said non-English speaking background. Does the department specifically consider cultural and racial diversity as a diversity factor, not just non-English-speaking background—

**Ms Casson:** Yes. I understand. Thank you, Senator.

**Senator FARUQI:** when you recommend candidates?

**Ms Casson:** Yes. The DFAT data is characterised as non-English speaking background to get that consistency with the APS employee census. I appreciate, obviously, that—

**Senator FARUQI:** I have been asking them to look into that in more detail. I think they are.

**Ms Casson:** Yes. That's right. I am aware, of course, that they are on to that. At the moment, our language is consistent with the APS approach.

**Senator FARUQI:** So it does not really consider racial diversity?

**Ms Casson:** We do some work internally, based on the employee data we have in our systems, to ensure diversity in our posting and leadership decisions. I can talk you through some of the other diversity statistics we have. We also ensure we've got all manner of diversity representation in our posting selection committees. There is quite a lot of work we do to build that into our selection processes.

**Senator FARUQI:** Minister Wong on several occasions has said that Australia's foreign policy should reflect our modern diversity and the rich heritage of First Nations people. In February estimates, Minister Wong told me that projecting the diversity that is represented in the parliament and the people behind you and in the community enhances Australia's influence and power. I would now like to table a list of ambassador appointments in 2022-23. I am very happy to be proven wrong. To me, this list of senior diplomats appointed by Labor since assuming government, Minister, doesn't seem to reflect Australia's modern diversity and rich heritage of First Nations people. I guess my question is: what is preventing your government from appointing people from more culturally and racially diverse backgrounds?

**Ms Adams:** It is a complex set of issues that you raise, of course, as you very well know. I think I can certainly say from my point of view and from the minister's point of view that we do look for opportunities to highlight our experienced people with a CALD background with the relevant experience and skills to be appointed to those senior leadership positions. It is in our minds. I don't want to say to you it is a question of pipeline, because people have been saying that for a long time. It is important that we only put people in positions when they are set up to succeed. I am very alert to it and I am looking out for it. We are trying our best, within the parameters, to make sure that the people the government appoints to represent the country overseas are well-equipped. In some cases, they will be. In other cases, we still have to provide more development opportunities in lower level postings to build that experience over a career that equips you to take the leadership positions.

**Senator FARUQI:** Would you say there is, though, a serious lack of representation of First Nations people and people of colour in senior diplomatic positions at the moment?

**Ms Adams:** Well—

**Senator FARUQI:** The list is here in front of you.

**Ms Adams:** I will just say that we are looking for opportunities to increase.

**Senator FARUQI:** There is a serious lack of diversity. What are you doing? Looking for opportunities isn't quite enough. You say that you don't want to set up people to fail. It's very hard for me to consider and believe that there aren't enough people in this country who could fill those roles. That is what it seems to me you are saying. What is the plan for the department to rectify the serious lack of diversity at those senior diplomatic positions?

**Ms Adams:** As Ms Casson said, we need to make sure that when we do the more junior postings, we are also alert to building the diversity of the overseas network so that over time we've got more experienced people ready

to do those next level jobs. We do have some. It's not that we don't have any. I agree that we're not at the level we would like to be at.

**Senator FARUQI:** Do you have targets to increase diversity? It's very hard to meet your goals without having targets.

**Ms Casson:** There isn't a specific target for DFAT or, indeed, as you know, the APS. I want to pick up that earlier point between the secretary and you about the pipeline. We have a focus on diversity in our graduate cohort. That comes to this point about the pipeline. In 2023, in the cohort that started with us this year, 42 per cent of the staff self-identified as coming from a culturally or linguistically diverse background. In the previous year, it was 48 per cent. Those numbers obviously are very important and go to the point the secretary has made about the pipeline.

**Senator FARUQI:** They are not reflected in any way in the senior positions. I will move on. Thank you for that. Can I ask a few questions on loss and damage?

**Ms Adams:** Certainly.

**Senator FARUQI:** In February estimates, I asked if Australia would be making a contribution to the loss and damage fund agreed to at COP27 and how much that would be. You couldn't give me a precise answer at that time. I do note that Ambassador Tilley said:

The first meeting of what's called the transitional committee, which will be doing a lot of work this year on those design issues, hasn't happened yet. Australia has confirmed it will be one of the 10 developed countries that are represented in that transitional committee to design the fund. So we're playing a very active role, but we haven't yet committed an amount of money to a fund that hasn't yet been established.

I understand that transitional committee has met twice since. Now that the planning is underway, can you give us some more information? Has there been some progress? Will Australia be making a contribution to the loss and damage fund?

**Mr McDonald:** I might start with the point on the progress that has been made since the last update in February with the caveat that it is the department of climate change that leads Australia's engagement on that transitional committee. We have been receiving regular reports from them on discussions on the progress under that committee. I think it is correct, as you say, that they've now met twice. They've also instigated a number of workshops. It's not just this transitional committee. It will be a series of events. A range of different countries, representatives of financial institutions and multilateral development banks et cetera are providing advice and views as to the appropriate design of loss and damage funding arrangements. What Australia has been actively doing in the lead-up to those transitional committee meetings and following is having regular engagement with Pacific islands representatives to ensure that we are carrying their priorities and objectives for the design of the fund into that work. Your second question is whether there is any update on Australia's position on a contribution. It is exactly the same position we were in in February. The Australian government will make a decision on contributions to the fund or funding arrangements once the decision has been made at the UNFCCC on what those funding arrangements are.

**Senator FARUQI:** So there is not even a decision whether Australia will be making a contribution to the loss and damage fund?

**Mr McDonald:** There hasn't been a decision, but there hasn't been a decision that Australia won't. I guess I would say, as I believe I said in February, that we are a strong supporter of bringing this on to the agenda at COP27. We are a strong supporter of the design of this fund working for Pacific islands countries. We will make appropriate decisions about funding once we have seen the final outcome of that fund design.

**Senator FARUQI:** Is anyone in DFAT tasked with assessing how much we should contribute to the loss and damage fund? Has that not started yet?

**Mr McDonald:** I would say within the department we are well aware of the range of climate finance decisions coming up through the UNFCCC, loss and damage being one of them, as well as the range of requests we also receive and work going on in the region for climate finance funding arrangements facilities for different purposes. We are alert, and certainly in the early stages of formulating advice to government, to what I guess I would call the collective sense of what climate finance needs will be into the future and how Australia can maximise its contributions.

**Senator FARUQI:** You said that there had been consultation with Pacific nations. Are there consultations with Pacific nations civil society organisations that have experienced loss and damage from climate change, such as, perhaps, the Torres Strait 8?

**Mr McDonald:** I can't speak directly as to who the department of climate change has engaged with other than to say they are engaging widely. I very much know that there has been regular engagement with a number of environmental NGOs in Australia on loss and damage and where they think there are opportunities for civil society to engage, provide advice and potentially ultimately play a role as delivery agencies. Again, these are all subject to a final decision at the COP on loss and damage funding.

**Senator FARUQI:** Is the government consulting with the international development sector as well while you are looking at loss and damage?

**Mr McDonald:** Again, I can't speak directly on behalf of everyone in the department of climate change—

**Senator FARUQI:** I might ask them as well.

**Mr McDonald:** but it is my very strong assumption, if not understanding, that those entities are engaging in various ways with the transitional committee. So their views are being given to the committee, of which Australia is part.

**Senator FARUQI:** Is there any discussion or decision yet on whether loss and damage funds should be new and additional to existing ODA, or is it too soon to make that decision?

**Mr McDonald:** I believe the COP decision from last year confirmed that parties would agree that there needed to be new and additional loss and damage funding.

**Senator FARUQI:** That is good. Chair, I have just a couple more questions. My next question is on ODA overall. We have been here before. I want to check whether anything has changed between the last time we met and now. Minister, as you would know, the Labor Party committed in its 2021 policy platform to achieving an ODA to GNI ratio of 0.5 per cent. ODA has been in decline over the past decade. I know you weren't in government all of that past decade. It has just been a year. Now it does sit around 0.2 per cent of GNI. From back in November and February estimates, I understand that the government has not yet set timelines for getting to 0.5 per cent. I am wondering whether anything has changed since. Is there a time line now for the government to reach 0.5 per cent?

**Senator Farrell:** Thank you for your question, Senator. Not that I am aware. I shall make some inquiries and come back to you if the situation is any different from what you have just outlined there.

**Senator FARUQI:** That would be really useful. I guess my concern is this budget response by ACFID that says that, at this rate, ODA will drop to 0.9 per cent in 2023-24 and is projected to fall further to 0.18 per cent in 2025-26. If you take that on notice, that would be really good.

**Senator Farrell:** Thank you. I will.

**Senator FARUQI:** These might be some other people. I have questions on gender based violence. Is it alright to ask them here? Australia has made an international public commitment by becoming a member of the global call to action on protection from gender based violence in emergencies. Will the government commit to meaningfully implementing the call to action by increasing and prioritising funding for preventing and responding to gender based violence in humanitarian emergencies? I haven't seen a commitment to funding yet.

**Mr Brazier:** We'll have to take that on notice.

**Senator FARUQI:** Okay. Perhaps you could take the other one on notice as well. Will the government make it mandatory for all sectors to integrate prevention of gender based violence into the humanitarian programs? Is that on notice as well?

**Mr Brazier:** Yes.

**Senator FARUQI:** My last bit of questioning is on the humanitarian emergency fund. I apologise if Senator Chandler has already asked these questions. I wasn't here this morning. The humanitarian emergency fund remains at \$115 million.

**Mr Brazier:** It is \$150 million.

**Senator FARUQI:** That's right. It has not increased in the last five years, as far as I know, even though there has been a significant increase in global humanitarian need, including from climate induced disasters and deepening hunger crises. Is there a plan to increase the humanitarian emergency fund to at least \$300 million per year?

**Mr Brazier:** The humanitarian emergency fund is one part of the work that the department does in the humanitarian space. The expected budget for humanitarian emergencies and refugees in 2023-24 is \$479 million. You are correct that \$150 million of that is for the humanitarian emergency fund, which is drawn down based on need through the financial year. There is also funding for disaster risk reduction. I guess you might think of that as

the upstream element—making sure that communities are more resilient and governments are better poised to react. Global humanitarian partnerships will be \$123 million, and there is an allocation of \$145 million for protracted crises and strengthening humanitarian action. Our humanitarian coordinator Ms Delaney may wish to speak to that.

**Senator FARUQI:** I am particularly interested. As we know, these emergencies are becoming worse and worse. I am asking about that fund, which is for emergencies. Is there any plan to increase that particular fund? I understand that we need to address the root cause and all of that. Is there any plan to increase that fund at all or double it?

**Ms Delaney:** I will repeat what Mr Brazier has said, which is that Australia is actually allocating \$479.4 million to humanitarian emergencies and refugee programs in 2023-24. That does a range of things. It works to prepare communities for hazards. It protects vulnerable populations. It allows us to respond to both sudden onset and protracted crises. We also have a range of crises that we fund through regional and bilateral programming. That will mean that the estimated humanitarian funding spend in 2023-24 is \$643.3 million when those contributions are taken into account. The allocation of \$150 million to the humanitarian fund does allow us to respond quickly to onset disasters as well as worsening protracted crises during the year. But it is only one of our mechanisms and levers for response. Another point to make is that a single humanitarian budget figure doesn't actually reflect the totality of our humanitarian effort. We work very closely through broader government efforts. When we think about our responses, that often involves contributions from, for example, the Department of Defence when we're doing a sudden onset response. As Mr Brazier has mentioned, there is the work we do through our UN partners to support humanitarian diplomacy as well as the broader humanitarian response.

**Senator FARUQI:** This is the last question from me. How does the department decide when to respond to acute humanitarian crises, because there are many happening in the world, sometimes at the same time? What factors in? Is it tactical foreign policy goals or geography that drives the decision about how these funds are allocated?

**Ms Delaney:** We take a range of considerations into account. Obviously, we have a particular obligation to crises, particularly sudden onset crises, in our region. We need to be able to calibrate over the course of a financial year in order to enable us to contribute to those responses in our immediate region. You would be aware that one of the largest protracted crises in our region is the Bangladesh Myanmar situation. Certainly we provide a significant amount of our humanitarian funding to that crisis.

**Senator FARUQI:** How much is that funding?

**Ms Delaney:** This financial year, it was \$135 million. When we are looking at crises beyond the region, we take a range of factors into account. It's about issues such as whether or not those crises are well-funded and whether there's particular preparedness work we could be doing in terms of anticipatory action, for example, that will prevent crises from worsening. We look at populations affected. We look at whether or not we have effective UN and other partners in those crises. We look at what other donors are doing. We look at the complexity of the issues on the ground.

**Senator FARUQI:** Thank you very much.

**Senator FAWCETT:** Ms Delaney, while you are at the table, you have talked about the emergency fund of \$150 million for the allocation in this current financial year. How much of that is uncommitted?

**Ms Delaney:** In terms of commitments, it's \$137 million, so approximately \$12.9 million is uncommitted.

**Senator FAWCETT:** There are only 29 or 30 days to go in the financial year. I want to follow up on the question I raised before about our humanitarian support for Ukraine. I highlighted the reports coming from the Ukraine and from Save the Children, for example, that one child each day on average is dying in Ukraine. Of casualties to mines, one in eight is a child. I will table, Chair, if I can, the report from Save the Children. I encourage the department to consider whether that non-committed funding in the next 29 days could be committed to that cause and potentially save a number of civilian lives, including those of children in Ukraine. Adding to their de-mining capability is a very humanitarian gesture.

**Ms Delaney:** Thank you, Senator.

**Senator FAWCETT:** No new funding required. It's sitting there waiting to be used for a good purpose.

**Senator BIRMINGHAM:** Welcome, Mr Farrell. I want to start with some of the strategic circumstances that underpin the DSR and go through a couple of other global shifts in language and strategy over the last few months since we last had estimates. The DSR says that our alliance partner, the United States, is no longer the unipolar leader in the Indo-Pacific. It goes on to talk about the intense competition in our region. In describing the

transition to the strategy of national defence and the role of statecraft in doing so, it particularly speaks about the work required to support the maintenance of a regional balance of power in the Indo-Pacific. Can the department describe what we believe achieves that balance of power? What are the instruments necessary for that balance of power given that shift from, as is described, a unipolar leadership by the US to a scenario where balance of power is the objective of statecraft to help secure national defence?

**Ms Adams:** I think there are a lot of elements in the questions and, therefore, the answer. I will make a few comments and then allow others to add. I think the nub of your question at the end is what contributes to a favourable or a strategic equilibrium and what can you do to contribute to that. Is that correct? Is that it?

**Senator BIRMINGHAM:** That's right. What are the core elements that we say secure that balance of power, as is reported?

**Ms Adams:** The two big elements would be partnerships and encouraging agency. Partnerships we seek to build. We deepen our partnerships both bilaterally and through, for example, the Quad. In terms of the options, we offer partnership opportunities to countries in the Pacific, Indo-Pacific, South-East Asia as well as Pacific island countries. We do that so we have more options available to those countries and we have a region where no one country dominates and no country is dominated. I am just going to do the headlines. I put that as one headline. The other is agency. The foreign minister has expounded upon this in her National Press Club speech, in other public statements as well as in her discussions with counterparts. It says to countries in the region, 'You have an interest and an ability to be part of the reshaping that is occurring in our region.' We see all of our regional neighbours as having the ability and interest to speak up for the kind of region they want to see. We usually talk about that in terms you are very familiar with—wanting to promote a region where there is a rules based operating order, where we have differences settled through peaceful means, negotiation, and we have respect for sovereignty and international law. They would be the two main areas. Any number of people can add to that.

**Ms Lawson:** I will simply add to what the secretary has already said about using all the tools of statecraft to build a strategic equilibrium that supports our interest and that supports the interests of all regional states in the face of a great deal of strategic uncertainty and change. As the foreign minister has said, our foreign policy and our defence policy are both essential and interdependent parts of how we will make Australia stronger and more influential in the world. Of course, that includes not just our military deterrence and capability but also diplomatic power and diplomatic statecraft. That does include renewing our partnerships in the region. Of course, the government has taken extensive steps to do that with extensive engagement and outreach in the region. That is a really important part of advancing our interests and advancing our values in the current circumstances that we face.

**Senator BIRMINGHAM:** Thanks, Secretary, and thank you, Ms Lawson. It is an important way of describing that equilibrium—partnerships and agency. Partnership is valuable, but you need countries, Australia and partners, to be willing to exercise that agency and to demonstrate that in defence of the rules and systems that apply. In tandem with our release of the DSR and the shaping of that, we've seen quite significant defining of language and approach come from the European Union in particular. President von der Leyen talks about their strategy of de-risking in relation to the challenges posed by China. What is Australia's understanding of the de-risk approach and our response to it, noting that other partners—indeed, our alliance partner, the US—has spoken positively and adopted the language as part of their strategy?

**Ms Adams:** I think your question goes to the way that the European Union has described their approach to their relationship with China. They use the de-risking term, perhaps, to refine the term that was previously being used in a lot of the commentary, which was decoupling. So we understand that they are talking about in de-risking as a way to focus on particular supply chain vulnerabilities and exposures. Of course, Europe has had an extreme exposure to its reliance on Russia as an energy source. I think that has informed that perspective they've taken. It is a way that they are describing, I suppose, a more targeted risk management approach. I'm not sure if there is another element to your question that I've forgotten.

**Senator BIRMINGHAM:** President von der Leyen has spoken about de-risking being applied diplomatically and economically. She has outlined four different pillars of that de-risking approach. Has the department briefed Australia's ministers on how the EU is approaching that pathway to de-risking? Have you briefed on the response internationally, particularly, as I said, what appears to be the adoption by Secretary Blinken and the US of similar language and strategy in terms of their approach and the complementarity of those undertakings?

**Ms Lawson:** I think one critical thing here, as we face rising geostrategic tensions, is that we seek to manage our strategic competition in the right way. The language around de-risking is quite a contribution to the de-escalation of tensions. That is one important element in that change in rhetoric coming from certain countries.



**Ms Adams:** It's not just a question of the bureaucracy briefing ministers. It's one of the live conversations that ministers have with their counterparts and in international fora in general. So in terms of the way that different countries are seeking to navigate geopolitical tension, as the approach they are taking in their own relationships, it's part of the conversation. It's part of the conversations that our embassies have, the reports they produce and the briefing that is done across government.

**Senator Farrell:** If you like, Senator Birmingham, I can give you a bit of a feeling of some of the mood. I caught up with commerce secretary Raimondo on the weekend. It's interesting that, just as we have started re-engaging with China, the day before she met me for discussions, she had met with Minister Wang, the trade minister for China. That had been the first face-to-face meeting between the ministers in a number of years. If it is any sort of indication about what the American government is doing in this regard, it is, I guess, one sign that both countries have commenced some discussions about, in that instance, trade issues between the two countries.

**Senator BIRMINGHAM:** Thank you. Secretary, is it the department's assessment that the European strategy, as outlined by President von der Leyen, is complementary to Australia's approach? Does the de-risking approach complement the way in which we are seeking strategically to manage these issues?

**Ms Adams:** I think the way that Australia has articulated our policy with respect to China—I think that is what you are speaking about particularly—is not in those terms. It is in terms of cooperating where we can, disagreeing where we must and engaging in the national interest. That is how we are framing our work on stabilising the relationship. I guess I prefer to speak for our own policy than define it as how it fits into another global region's policy.

**Senator BIRMINGHAM:** Minister Farrell has spoken about trade diversification as, indeed, have former trade ministers, if my recollection is correct. That's consistent with, and complementary to, a de-risking type approach, is it?

**Ms Adams:** Yes. I think that is right.

**Senator BIRMINGHAM:** Certainly aspects of our approach are. You are suggesting that ours is not a defined de-risking approach as the EU has spelt out?

**Senator Farrell:** Senator, I wouldn't particularly use those words. I think the words we have used are stabilising the relationship. I think that stabilising process has enabled us to start getting the relationship back to a position where we can put our case directly face to face with our counterparts. I did that last Friday morning with Minister Wang. It about why they should, in the case of trade, remove the trade impediments that are remaining.

**Senator BIRMINGHAM:** The G7 leaders' statement is a statement just of the G7 leaders, isn't it? Australia was there. The Prime Minister was there. However, we're not a party to the text of that statement. Is that correct?

**Ms Adams:** That's correct.

**Senator BIRMINGHAM:** I confirm that. Thank you. The statement, amongst various issues, contains in the section headed 'Addressing economic coercion' an announcement that the G7 will enhance collaboration by launching the coordination platform on economic coercion to increase our collective assessment preparedness, deterrence and response to economic coercion. What is Australia's understanding of the coordination platform on economic coercion that G7 leaders committed to at the summit the Prime Minister attended?

**Ms Adams:** I'm not sure I feel equipped to explain exactly what the G7 had in mind in their communication mechanism. There is related work that is also happening in IPEF. It is not really with the same objective. It is the resilience supply chain work. After the pandemic in particular and the energy security issues, countries are looking for strengthened partnerships to deal with supply chain issues, be they from whatever reason, including natural disasters. I remember that the Thailand floods caused quite a lot of global trade disturbances. There is, of course, Russia's invasion of Ukraine. There are quite a few attempts going on in different groupings to find ways to have more pre-prepared responses for economic shocks that come for various reasons.

**Dr Sawczak:** This is very much still an evolving debate among countries that are concerned about how economic interdependence could be misused. The G7 statement on economic security reflects in fact a topic of conversation we are now having with key partners. You might recall we had the 2+2 talks earlier this year. One of the outcomes of those talks was, in fact, to establish an economic security dialogue that our associate secretary will represent Australia at. The minister referred to his engagement with commerce secretary Raimondo. We discuss these issues under a strategic trade dialogue. The EU probably is not at any point along the way towards a programmatic approach to what de-risking might entail. But the platform referred to in the G7 statement very much reflects the need to share information and experiences to better equip countries to be mindful of vulnerabilities in their supply chains and do what they can to reorient them. Even in the Quad, for example, a

partnership that involves India, there is a lot of work being done on critical supply chains to that very end. So economic security is very much an evolving and vitally important part of our statecraft.

**Senator BIRMINGHAM:** Thank you. I appreciate the additional information that you have provided there. Is Australia engaged in discussions about the proposed coordination platform on economic coercion? Are we engaged in ongoing discussions since its public announcement as to how such platform may take shape?

**Ms Lawson:** Senator, we are engaged in discussions with a range of countries about those kinds of issues. Specifically with the G7, we would have to take that on notice.

**Senator BIRMINGHAM:** Thank you. Australia is often cited as an example of economic coercion in international discussion and dialogue, given the experience of the last few years. Is that a description that the Australian government of the day concurs with—that we have faced attempted economic coercion over recent years?

**Ms Adams:** The focus of Australian effort with China is, as the Minister for Trade personifies, to encourage the trade impediments that are still there to be removed in the interests of both of our countries and our people. That is the focus of our work.

**Senator BIRMINGHAM:** That didn't really address the question I asked, Secretary. As I said, Australia—you could find any number of citations around the world—is frequently described as having been the subject of attempted economic coercion. It is often cited when initiatives such as this are brought to bear. Is that a description of what Australia has faced that the Australian government agrees with?

**Ms Lawson:** Regardless of the language used, we know that a range of trade impediments were put in place. The focus now is to gradually remove those trade impediments through dialogue and a range of other engagements. We are, of course, strongly aware that uncertainty remains. We continue to talk to business about managing that uncertainty. That includes continued diversification and a range of other measures, including working through our FTA networks to build opportunities in other countries. It is never good to have all your eggs in one basket, as the minister has said. We continue to work closely with business to create further trade opportunities in order to manage that uncertainty.

**Senator BIRMINGHAM:** Ms Lawson, that is absolutely correct and correct in a very practical sense of what we seek to achieve in response to the sanctions that have been applied. In a strategic context, those sanctions take on a bigger picture. That is why they have been the focus, as have similar sanctions against Lithuania or other countries been a similar focus of countries and partnerships around the world, to look at how collectively we can respond to and build against such coercion in the future. But to apply, build and engage in that strategy, we do need to acknowledge what has happened for what it is. That is, it has been an attempt at coercion and punishment, hasn't it?

**Ms Lawson:** Of course, Senator, we strongly support the work on the global rules based trading system. We stand strongly by that trading system. We believe that all countries should adhere to those rules. That is why we have used the WTO system to put pressure on for barley and have achieved an expedited review on barley. Of course, adherence to and respect for the rules is a strong principle for Australia. We encourage all countries to respect those rules.

**Senator BIRMINGHAM:** The G7 and other countries and groupings around the world are clearly using the words 'economic coercion' to describe what has been applied against Australia and others. Is there a reason, Secretary or Minister, why you seem to be so reluctant to acknowledge that and use those words?

**Senator Farrell:** Well, I can say for myself—of course, I'm not the foreign minister, who unfortunately is not here today—the wording I have been using in all of my discussions with my equivalent in the trade space is that we want to stabilise the relationship with the Chinese government. As you would be aware, for a very long period of time, well before the pandemic, there had been no meeting between an Australian trade minister and the Chinese counterpart. When we came to government last year, we took the view that there was an opportunity to try to renew that contact.

A series of things have now happened to progress that stabilisation of the relationship. The first, of course, was the meeting between our Prime Minister and the Chinese president. Of course, as we saw, the foreign minister flew to Beijing just before Christmas last year. That opened the way, then, for some further discussions between myself and my counterpart as to how we might resolve the trade impediments that had done so much damage to Australian food and wine producers and other areas of our economy in that period of time. The discussions started with a Zoom meeting between myself and Minister Wang. That led to an invitation to discuss the trade issues more broadly in Beijing. We readily took up that offer. In the process, we instructed our respective officials to commence discussions about how we might progress the resolution of these outstanding trade impediments. In the

face-to-face meeting in Beijing, both parties were able to commit to resolving these issues through our existing free trade agreements. So that is how we see the situation going forward.

We saw within a few days of that visit that the Chinese ambassador to Australia announced that what had been impediments in respect of our ability to get timber products into the China market had been lifted. That had been a \$600 million hit to our trade in timber. So we have set up a process. There are a couple of different aspects to this, Senator. Some of the impediments relate to issues like tariffs. Some of the other impediments relate to issues like biosecurity issues, which is the mechanism that was used to ban our timber products going into China. We've adopted a different strategy in respect of each of those.

As you are aware, cases were before the World Trade Organisation in respect of the high tariffs on barley and the extremely high tariffs on Australian wine. With the tariffs on barley, we had gone a long way down the track of getting what I would have believed would be a favourable decision in respect to our application. However, had we got that decision, it wouldn't necessarily have been the end of the matter. The advice we received was that further resolution of the issue depended on the approach that China might have taken to an adverse decision. That might have taken another couple of years. In the spirit of goodwill, we took the decision to suspend our World Trade Organisation application in respect of barley on the basis that the Chinese government would then conduct a review within their system of those tariffs. That process, we were told, was going to take three and possibly four months. We are probably—

**Senator SHOEBRIDGE:** Like this answer.

**Senator Farrell:** I beg your pardon?

**CHAIR:** Senator Shoebridge, I ask you to withdraw that.

**Senator SHOEBRIDGE:** I withdraw that.

**CHAIR:** Thank you. Continue, Minister.

**Senator Farrell:** I didn't hear the comment.

**CHAIR:** It wasn't worthy. Just keep going, please. We have a few more minutes until we break for dinner.

**Senator Farrell:** So we headed down that track. We are probably about halfway through that process at the moment. I am hopeful that, as a result of the display of goodwill on our part, we will get a favourable decision to lift the 80 per cent tariff on barley. Australian producers can then have the option of forwarding barley products into China the way they previously did or, as the case may be, continue to supply other markets. This is one product that we were able pretty quickly to find other markets for. Again, we will be seeking to use this template, if it works out successfully, as the basis for dealing with the wine issue. As we know, there's a WTO dispute in respect of the upwards of 220 per cent tariffs on wine. We clearly want those tariffs lifted. Unlike barley, wine has not been able to as quickly find alternative markets, so it's obviously a more damaging issue for Australian winemakers. We would hope that as a result of the way in which we've dealt with the barley dispute, we can use that as the template for dealing with the wine issue.

Other products fit more into the category of biosecurity issues. For instance, there are still some restrictions on Australian meat producers. When I was in China, I went into a supermarket and discovered that there are significant amounts of Australian meat products competing with American meat products in Chinese supermarkets. There are still biosecurity issues that have delayed access to some Australian abattoirs sending meat to China. In that respect, we are using our free trade agreement provisions to encourage the Chinese government to speed up the process of dealing with those biosecurity issues. There will be other products that fit into that category.

**CHAIR:** It's fair to say that we'll have a lot more on trade tomorrow.

**Senator BIRMINGHAM:** Indeed, Chair. As you acknowledged, there is a lot in what you just said, Senator Farrell. Of course, the minister will be subject to questioning through trade estimates. I want to make it perfectly clear, given a lot of what you just covered there, that the coalition has given, and continues to give, strong bipartisan support. It welcomes the dialogue and engagement that has occurred to progress the removal of the trade sanctions in place. We hope to see further progress. We wish all strength to your arm in that regard. However, Australia also operates in the broader strategic context that we've been discussing. There is the defence strategic review and our engagement with the rest of the world. We are a country that has much to offer in terms of the experiences we have had of an attempt at economic coercion and success in withstanding it. Your government has been a part of success in withstanding that because you have not changed policy directions following the change in government in Australia—

**Senator Farrell:** Correct.

**Senator BIRMINGHAM:** despite what has occurred. We are stronger strategically, to speak carefully and deliberately but also openly, from what we have faced. We can cooperate with our partners around the world to help to build greater resilience for us and anyone facing it in the future. I think people would be somewhat concerned about the exchange we had preceding your answer, which seemed to go to great lengths to acknowledge that reality, that we have faced that attempt at coercion. As a country, we are withstanding it. We are working through it. The stabilisation is welcome. Our role to help build awareness and resilience around the world and within our country is also a very important part of our strategic standing, is it not?

**Senator Farrell:** In that respect, can I say that the foreign minister has frequently and specifically said that Australia has been subject to coercive and unjustified trade measures. That is a given. What I am trying to deal with is the consequences of that and how we deal with those measures and resolve them. My rather long explanation, I appreciate, was designed to show what the Australian government is doing to stabilise that relationship, get those trade impediments removed and get Australian products back into Chinese markets.

**CHAIR:** On that note, we will break now for dinner. Thank you.

**Proceedings suspended from 18:00 to 19:03**

**CHAIR:** Good evening, everyone. Welcome back after the break. I will now hand the call to Senator Green.

**Senator GREEN:** I want to go back to some of the discussions we had earlier with Senator Chandler, I think, regarding the announcements in the budget on the Pacific and enhancing the Pacific engagement package. I believe some of this was covered earlier, so I am really keen to not double-up. Unfortunately, that does happen sometimes. I want to touch on the security challenges faced by the Pacific governments at the moment and the measures in the budget to address them. Perhaps, Mr McDonald, you can take us through, first, the security environment that Pacific governments are facing and how some of the measures are seeking to address that or have been asked to address that from Pacific neighbours.

**Mr McDonald:** Thank you, Senator Green. I think as I said earlier, there has been extensive travel into the region by our ministers, the Prime Minister and the Deputy Prime Minister. During those times, the government has spent time listening to the priorities of the Pacific. The budget package that the government announced in May for the enhanced Pacific engagement package reflects those priorities in the region and the challenges in the region. The components relate to deepening our connections and Pacific regionalism, peace and security. Those things are important for the Pacific in terms of their priorities. I will give you some examples. There are some major challenges around cyber, which we're also experiencing. They are also being experienced in the region. There are also security issues around unregulated fishing, maritime surveillance and that sort of thing. The package was compiled after considering those priorities. I think that is well reflected in the package. Another one that has been most important to the region is law and order. As you know, policing is a key part of that package. Ms Peak can take you through the components. I think what we've done is reflect where they have asked us for support.

**Senator GREEN:** You touched on cyber-resilience in the Pacific. How is DFAT helping to build cyber-resilience in the Pacific? What sort of support are those governments asking for?

**Mr McDonald:** There have been recent cyber intrusions into a number of countries in the region. We have supported, I suppose, rebuilding and assisted in addressing those cyber issues. Where there is an intrusion and the system is rebuilt, one part of it is how we can make it more resilient to future intrusions. The second bit is around building capacity within the region, which is about expertise around cyber and them, I suppose, working with us, Australia and other partners to build that capacity.

**Ms Peak:** I will add just a couple of comments. I think Mr McDonald has outlined the security challenges very well. The Pacific budget speaks directly to those challenges. The cyber component is one. There is also a significant uplift on law and order that the AFP will progress. I mentioned earlier \$317 million to support policing activities around the Pacific. We also talked earlier about the Defence reprioritisation. Defence has for some time been a really significant contributor to supporting Pacific governments with their maritime domain awareness and are dealing with the illegal unreported and unregulated fishing. It is a huge issue, of course, for the Pacific given that these are large ocean states. Much of the Defence package in the broader Pacific budget will speak to maritime needs. That is money that hasn't been in the Pacific before and will really support that priority. Further, at the Quad, we announced the Indo-Pacific maritime domain awareness, which is also adding a new layer of support to the Pacific to address IUU fishing. That will be a very comprehensive package. The final point to add, Senator, is this is a very well-rounded package on peace and security. It's important to see it also in the context of the additional development budget spend. We talked earlier about the additional, for example, \$900 million in the

last October budget. That will support one of the biggest security challenges that the Pacific has identified, which is, of course, climate change.

**Senator GREEN:** Thank you. I think that leads into the next package of funding I was keen to ask you about. Budget Paper No. 2 refers to an additional \$114.3 million over the next four years to support a stronger, more united Pacific region, including regional architecture in relation to humanitarian relief and disaster preparedness. I am keen to understand what is going into that package. What things, again, are being asked for? What are we reacting to in terms of disaster preparedness and improving diplomatic capability?

**Mr McDonald:** I might start, but I will hand over to Ms Peak. I think the focus on regionalism and the importance of the Pacific Islands Forum in terms of the overall operation and security of the region has been important. As we talked about earlier, with humanitarian crises due to cyclones, volcanos and earthquakes, things like humanitarian warehouses are very important within the region. The reason those components are not unpacked in a big way at the moment is that it is very important to align them with the priorities of the region, including cyber and others. We want to design those programs after having good consultation within the region. That will inform the allocation of that more broadly. I might ask Ms Peak if she wants to add to that.

**Ms Peak:** Thank you. I have just two points to make. One is that given the intensifying strategic contest we're facing in the region, having strong regional organisation has never been more important. Pacific islands countries like Australia want to chart our own course, to have agency. Having a collective voice through the guidance and support of the core agencies in the Pacific is critical. We want to see them strong and enabling our region to have a collective voice to chart our own course. Humanitarian and disaster reduction is a critical component. We are hearing from Pacific island countries that they want to be empowered to be the first responder. They need to lead any response to disasters and coordinate others coming in to help. We are also hearing that other Pacific island countries want to lend a hand to their Pacific family members. As we proceed with consultations, those two things will be top of mind.

**Senator GREEN:** There is also funding in the budget—I think it was \$89.5 million over four years—to deepen Pacific connections by strengthening cultural and people-to-people ties. Mr McDonald, are we getting back towards sport diplomacy with this work, or is there broader work around the people-to-people ties that this funding will support?

**Mr McDonald:** I shouldn't get diverted on to sport again. Yes, that is obviously one of the components that is important in the people-to-people work. But there are other components here that Ms Peak can talk about, including support around media content. Visa service delivery is another key part of it, particularly in PNG and Vanuatu at this point, through having some in-country support for visa applications and processing. They are important in terms of the people-to-people links as well; it is about people getting good support. That was a very, I suppose, positive outcome from the ministerial meeting held here with PNG earlier this year.

**Senator GREEN:** What is that in-country support, Mr McDonald? I am particularly interested in PNG. It's an issue that has come up from time to time from constituents in Cairns, particularly, who have close family ties with PNG. In-country support is something that they've talked to me about.

**Mr McDonald:** There's a lot of travel from where you are across, as you know. One of the issues has been the completion of the applications. If you like, it is about understanding the forms and completing them. The Home Affairs department has responsibility for the implementation of this. They have been in country talking about setting up some in-country support and locations. That will, I think, deal with some of the issues where people are getting frustrated in completing them. There is then the processing of them. For PNG, a lot of the processing will happen, I think, in Australia. That was the general decision on that. Again, it is in the same time zone, so there is an opportunity to resolve those issues as we go. It is making it more streamlined and easier for PNG people to apply for visas to come to Australia. PNG also provided a longer business visa or multiple entries into PNG over a 12-month period, which again is another good enhancement to the people-to-people movement from Cairns across to Port Moresby. Ms Heinecke might want to add to that if I haven't got it right.

**Ms Heinecke:** I think you've covered it. The only thing I would add is that really there is a new capacity through Home Affairs that will enable the escalation of processing where there are issues around biometrics and other issues. So there is increased support and engagement around applications where they are feeling frustrated in terms of how it is being processed.

**Senator GREEN:** That's great. I will go back to Home Affairs when I get the chance and ask how it will work and how it develops. I want to go back to what you said earlier, Mr McDonald. I heard it myself, not just on the streets in Cairns but in Papua New Guinea, that this was a key thing asked for in those really high-level visits and the ministerial forum held here. Is that what we're responding to in those requests from Pacific partners?

**Mr McDonald:** Yes. This was a key request that was agreed to by the government. It also set up a committee to oversee the implementation of that. Key senior ministers from both countries, including the Deputy Prime Minister, formed part of that committee. Minister Giles was very important around the visa. There was also the foreign minister and the minister for international development in the Pacific. So it is quite a senior committee to oversee the implementation. I have been in PNG, obviously, a number of times recently. Certainly the discussions there with the relevant ministers has been very positive in terms of Australia progressing this. Home Affairs has certainly done a good job in taking this forward, yes.

**Senator GREEN:** I have one last question. You touched on the ODA budget earlier with my colleagues. I am not sure if we did get a breakdown. What is the total allocated to the Pacific in 2023-24?

**Mr McDonald:** In the Pacific—Ms Peak will correct me if I get this wrong—the increase in the bilateral spend is about \$45.4 million extra. For the whole Pacific, it increases to \$1.91 billion. Technically, it is \$1.906 billion, but we round it up. So that is the highest amount we've had in the region.

**Senator GREEN:** How does it compare to last year, the previous year?

**Mr McDonald:** Last year was about \$1.9 billion, but it had a number of temporary targeted measures in it, which would have ended. The budget that was provided in October of \$900 million to the Pacific in ODA together with this additional funding now has been very important. I suppose the only other thing I should have mentioned is our Pacific Australia labour mobility. A big part of that budget—\$370 million, I think—is about responding to some of the concerns raised around that program. That has been very well received as well.

**Senator GREEN:** I want to ask about one more program. I am very happy if we come back to it later if you need to find out more information. It is something called ReefCloud.

**Mr McDonald:** Have you slightly more information?

**Senator GREEN:** We can come back to it later. It is essentially a program that is jointly funded by DFAT. A new phase of ReefCloud was funded in the budget. It is supported by AIMS, which is an agency that I have a lot to do with. I was seeking some information about that. If you want to come back and tell me about it, we are going to be here for a little while.

**Ms Peak:** Thanks, Senator. I might come back with some more information. I do know that we were looking at a new phase of ReefCloud in Papua New Guinea. I will come back to you with more details, including the partnerships.

**Senator GREEN:** Great. Thank you.

**Senator SHOEBRIDGE:** It is nice to see you tonight, Secretary and Minister. Secretary, you would be aware of the Leahy laws in the US, which are two US statutory provisions that prohibit the US government from using funds to assist units of foreign security forces where there is credible information implicating that the unit is in commission of gross violations of human rights. Are you aware of those US provisions?

**Ms Adams:** In general, yes.

**Senator SHOEBRIDGE:** And the principal agency in the United States with responsibility for implementing them is the Department of State. Are you aware of that?

**Ms Adams:** I'm not sure I am, really.

**Senator SHOEBRIDGE:** When was Foreign Affairs first notified that the United States embassy in Canberra had advised Australia's chief of Defence that they would not work with Australian special forces because of concerns about serious human rights violations? When was Foreign Affairs first notified?

**Ms Adams:** I don't have any knowledge of those issues. I don't think it involved the Department of Foreign Affairs and Trade.

**Dr Sawczak:** My understanding from the testimony that CDF gave was that the defence attache at the US embassy got in touch with Defence about that directly. I have no knowledge of DFAT having been involved in that information exchange.

**Senator SHOEBRIDGE:** The US legislation refers to 'gross violations of human rights'. Would it be usual for that to never come across the desk of Foreign Affairs, to go straight from the US embassy to the chief of Defence? Would matters as serious as that never cross the desk of Foreign Affairs?

**Ms Adams:** That is a broad statement. I think the case that we're talking about was a Defense to Defence communication.

**Senator SHOEBRIDGE:** Surely the United States telling Australia, one of its closest allies, that it will not work with one of its most high profile military units because of credible allegations about gross violations of

human rights is a matter that goes to the heart of the relationship between Australia and the United States. You are saying that it has never come across the desk of Foreign Affairs?

**Ms Adams:** I don't have anything to add to what we've said.

**Senator SHOEBRIDGE:** Wouldn't you expect the United States embassy to raise it with your department or your minister rather than just go straight to a member of the Australian military?

**CHAIR:** I think the secretary has already provided you with a response to that broad line of questioning. I will draw your attention making your questions more relevant to the budget papers before us. I think the secretary probably couldn't be any clearer in what she has provided.

**Senator SHOEBRIDGE:** You don't consider it at all irregular? A communications from the United States embassy, instead of going through your department, even the Prime Minister's office or the defence minister's office, has gone straight to the head of Australia's military. In your experience, or is it irregular or regular behaviour for the US embassy to directly communicate with our military without going through you?

**Ms Adams:** I am not in a position to characterise it in any particular way. I think the US-Australia alliance is very broad. There are a lot of direct communication lines with agencies that don't all go through DFAT. This is a matter that has been communicated from Defense to Defence.

**Senator SHOEBRIDGE:** To be clear, it went from the United States embassy to the head of Australia's military, entirely bypassing Foreign Affairs. That is not irregular. That is your evidence, Ms Adams?

**Dr Sawczak:** Senator, as CDF noted in the budget estimates committee earlier this week, the communication was from the Defense attache referring to, as I understand the Leahy laws, a statutory provision in the US in relation to potential impediments to defence cooperation or use of government funds towards that end. It's not unusual at all for that contact to be from the US defense representative at the embassy, which represents the entirety of the US government, directly to Defence.

**Senator SHOEBRIDGE:** Mr Sawczak, you would be aware, wouldn't you, that the Leahy laws apply to not just the US Department of Defense but also the US Department of State, your equivalent in the United States administration? You are aware of that?

**Dr Sawczak:** I'm not aware of the provisions of the Leahy laws to that detail.

**Senator SHOEBRIDGE:** Is Foreign Affairs taking any steps to deal with today's findings in the Federal Court regarding a high-profile former member of the Australian SAS? There were findings that equivocally amount to gross violations of human rights consistent with the Leahy laws. Are you taking any steps to see whether or not that is going to impact the relationship with the United States under the Leahy laws?

**Ms Adams:** We've all been here today. I don't have any comment to make on those developments.

**Senator SHOEBRIDGE:** Well, on any view of it, today's findings in the Federal Court would amount to credible evidence, which is the threshold under the Leahy laws, for gross violations of human rights being undertaken, in this case, in the eyes of the United States, by a foreign security force or unit—here the SAS. That would certainly trigger the provisions of that act and a blanket ban, until it is dealt with, on any dealings between the United States State Department or the United States defence and the SAS. You are saying that no preparatory work has been done in Foreign Affairs to deal with that outcome?

**Ms Adams:** I am saying that I am not in a position to make any comment on that at the moment.

**Senator SHOEBRIDGE:** As I understand it, it is a matter that Foreign Affairs has done no preparatory work on. This judgement has been coming. It clearly triggers serious United States laws, which would almost automatically prevent any cooperation between the United States military and the SAS. It is seriously impacting the relationship with Australia, but Foreign Affairs has done no preparatory work on that?

**Ms Adams:** I am saying that I am not in a position to make any comment on that right now.

**Senator SHOEBRIDGE:** Will you take it on notice whether or not any preparatory work was done before the delivery of this judgement, given the extraordinary issues at stake?

**Ms Adams:** Certainly.

**Senator SHOEBRIDGE:** You would be aware, Secretary, of the very disturbing case of Stephen Mitchell, who has been convicted of serious child sexual offences and who was stationed in Jakarta with the Australian government. Are you aware of the Mitchell matter?

**Ms Adams:** I don't have details to hand.

**Senator SHOEBRIDGE:** Well, it's a high-profile case. He was recently sentenced to 13 years in jail for child sexual offences. He spent years working out of the Jakarta embassy. Has Foreign Affairs done any due diligence to see, for example, if he had any access to children or had any contact with children whilst working in Jakarta?

**Ms Adams:** I don't have details to hand. I'll take it on notice.

**Senator SHOEBRIDGE:** Would you take on notice whether Foreign Affairs has any understanding of him being active in any social clubs, particularly those where he may have come into contact with children whilst he was stationed in Jakarta? Would you take that on notice?

**Ms Adams:** Certainly.

**Senator SHOEBRIDGE:** Would you take on notice if he had any unsupervised contact with families or children in or about the Jakarta embassy?

**Ms Adams:** Yes.

**Senator SHOEBRIDGE:** Will you take on notice whether or not DFAT has made any attempts to investigate this matter to consider the impact of the matter given the sentencing happened recently but the conviction was months ago?

**Ms Adams:** Yes.

**Senator SHOEBRIDGE:** Can you advise the committee when DFAT first found out that he was under investigation and when DFAT first found out that he had been charged?

**Ms Adams:** Sure.

**Senator SHOEBRIDGE:** Do you think that there is a duty of care on the part of DFAT to undertake this kind of investigation given that he had been working out of the Jakarta embassy? Do you think there is a duty of care to do that basic due diligence?

**Ms Adams:** Of course we have a duty of care for the health, safety and wellbeing of our employees.

**Senator SHOEBRIDGE:** In providing your answer, can you provide comfort to the committee that you have fulfilled your duty of care in that relation?

**Ms Adams:** I will take all your questions on notice.

**Senator SHOEBRIDGE:** I assume you are aware of the ongoing incarceration of Australian engineer Robert Pether in Iraq?

**Ms Adams:** Yes.

**Senator SHOEBRIDGE:** Can you advise the committee what support has been offered to him by consular services or any other part of government?

**Mr Gerard:** Your question was about Robert Pether?

**Senator SHOEBRIDGE:** It was.

**Mr Gerard:** I can confirm that DFAT has been providing consular assistance to Mr Pether and his family since his detention in 2021. We have conducted visits to him while he has been detained in Iraq. We have conducted 68 visits. We advocate on his behalf. We've made around 150 representations to the government of Iraq.

**Senator SHOEBRIDGE:** Are you aware of concerns about the conditions that Robert is being held in, particularly concerns expressed by his family and his lawyers that he has lost more than 40 kilograms in weight, he has low blood pressure and prolonged dizziness? Indeed, pictures I have seen show Mr Pether in a very poor state of health. Are you aware of those concerns?

**Mr Gerard:** Yes. We do hold concerns about his welfare. We engage on an ongoing basis with him and with his family and with Iraqi authorities about issues related to his welfare.

**Senator SHOEBRIDGE:** Have those representations included powerful representations to the Iraqi government seeking that he be held in at least the most minimum humane conditions where he has adequate diet?

**Mr Gerard:** Senator, our advocacy for Mr Pether is led by our ambassador in Iraq. We engage on a regular basis. As I said, on around 150 occasions we've made representations to the government of Iraq. We do hold concerns about his welfare. We continue to convey our expectations to the government of Iraq that he receives proper treatment.

**Senator SHOEBRIDGE:** Secretary, in circumstances where 150 representations, including through the ambassador, have left an Australian citizen in the conditions that Mr Pether is under, what are the options to escalate it to ensure that an Australian citizen doesn't unjustly die in an Iraqi prison?



**Ms Adams:** It is a distressing situation. We take all opportunities, including at senior levels, to make representations. There are, unfortunately, limits to what we are able to do in terms of other countries' legal processes and legal decisions apart from use all our tools of advocacy and representation. It has been escalated. If you mean involvement at ministerial level, we are already well and truly operating at that level.

**Senator SHOEBRIDGE:** Well, Mr Gerard's indication was that it was ambassador level. Has there been any communication to Iraq to raise other potential levers in our relationship, whether trade or government-to-government connections, given the appalling situation that Mr Pether has found himself in? Is it simply just cranky representations from the ambassador, which appear to be ignored? What are the options for escalating this so it impacts, if necessary, our relationship with Iraq given what they are doing to an Australian citizen? A nonplussed waving of the hands doesn't work well on *Hansard*, Secretary.

**Mr Gerard:** Senator, I can confirm that this has been raised at the highest levels of the Iraqi government, including by the foreign minister and the Prime Minister. They've made representations.

**Senator SHOEBRIDGE:** Are you aware as well that Mr Pether's clear claims seem to be supported by credible objective evidence that the confessions statement used against him was a mistranslation and not accurate?

**Mr Gerard:** Yes, Senator. I am aware of those claims.

**Senator SHOEBRIDGE:** We have a country with which we have a sophisticated relationship in terms of aid and trade. We have great concerns about the country's judicial system. There is no question that he can't get a fair trial. There's no question that he may die in jail because of his mistreatment. Is this a matter that will be escalated beyond the ambassador in our relationship with Iraq?

**Mr Gerard:** I think it has been escalated. We do make representations at the most senior level of the Iraqi government on Mr Pether's behalf.

**Senator SHOEBRIDGE:** Thanks, Mr Gerard. I want to speak about another prominent Australian who is held in deeply inhumane conditions on charges that should never have been brought against him, which is Julian Assange. Secretary, when was Foreign Affairs advised that the FBI had reopened its investigation and was continuing to seek further evidence against Mr Assange? Were you advised by either the UK authorities or the US authorities about the FBI's reopening of the investigation?

**Ms Adams:** I will defer to Mr Gerard.

**Mr Gerard:** No. We became aware of that through media reports today. As you will be aware, Senator, as I think you understand very well, we are not a party to legal proceedings that Mr Assange is involved in. We also can't intervene with them or law enforcement proceedings.

**Senator SHOEBRIDGE:** Nor is Andrew O'Hagan a party to proceedings, but he had the London metropolitan police knocking on his door on behalf of the FBI. Are you saying that the FBI will tell the London metropolitan police that they are continuing to harass and investigate an Australian citizen but won't tell his own government, won't tell the Australian government? Is that the situation?

**Mr Gerard:** Senator, we are not a party to those legal proceedings. It really is a matter for the US government and the FBI.

**Senator SHOEBRIDGE:** Has there been no communication to Australia's ambassador in Washington that the FBI was reopening its investigation, given the fact that our own Prime Minister has said enough is enough and this needs to end? Was there not even the courtesy of a communication from the United States government to our ambassador in Washington that the FBI had reopened the investigation?

**Mr Gerard:** I'm not aware of any communication.

**Senator SHOEBRIDGE:** Will representations be made on behalf of the Australian government to the United States government that enough is enough to end the ongoing persecution of Julian Assange, to end his persecution by the FBI and to take all steps to bring Julian Assange home? Will that clear representation be made on behalf of the Australian government?

**Mr Gerard:** Senator, the Australian government has been clear in its view that this has gone on for long enough. It has gone on for a long time and this matter needs to be brought to a close. We've made that view both publicly and we continue to convey it to the governments of the United States and the United Kingdom, who are well aware of our position on this case.

**Senator SHOEBRIDGE:** Since then, the United States government has thumbed its nose at the Australian Prime Minister, has thumbed its nose at statements made by the opposition leader here and reopened an FBI

investigation. Will that trigger more forceful diplomatic responses by Australia? This is meant to be a friend and an ally.

**Ms Adams:** The government's position is clear. I think it has already been stated. There is not another way of saying it.

**Senator SHOEBRIDGE:** In this deeply disturbing turn of events, the FBI has reopened its investigation against an Australian citizen. Our Prime Minister has said the persecution should end. As I understand your evidence, this will not trigger any fresh action by Foreign Affairs?

**Ms Adams:** Nobody said that. We said that the Australian government's position is clear and we will continue to put that case.

**Senator SHOEBRIDGE:** What will you do, then, in response to this disturbing turn of events?

**Ms Adams:** I have nothing to add to what has been said about our views on what we want to see happen.

**Senator SHOEBRIDGE:** Mr Gerard, you have nothing further to add?

**Mr Gerard:** No. I think the secretary has covered it. We will continue to make clear the Australian government's position and to convey our position to those governments.

**Senator SHOEBRIDGE:** Do you have a message of support for Julian Assange and his family that you are in a position to deliver?

**Mr Gerard:** Senator, we—

**Senator SHOEBRIDGE:** I can tell you now that it will be a dark day for him in Belmarsh prison, having just found out that the FBI has reopened the investigation and he is looking to his government for support. That is why I ask.

**Mr Gerard:** We will continue to engage with Mr Assange and his family members. We will continue to offer consular assistance, as we have done for some time now. We will continue to do that.

**Senator SHOEBRIDGE:** When does this kind of persecuting behaviour by a country that purports to be our close friend and ally start impacting on the rest of our bilateral relationship, on the Defence relationship, on the balance of our relationship? What does it take to trigger a response from Australia outside of consular assistance?

**Ms Adams:** Well, I think the Prime Minister has been very clear on the priority that he attaches to the case. That is on the record. It stands.

**Senator SHOEBRIDGE:** Secretary, I think on 9 February this year, foreign minister Wong and defence minister Marles hosted their Indonesian counterparts, which included defence minister Prabowo Subianto and the foreign minister. A joint statement was issued. Are you aware of those circumstances?

**Ms Adams:** Yes.

**Senator SHOEBRIDGE:** The following day, the two defence ministers met and issued the following statement:

We acknowledged the importance of the existing Defence Cooperation Arrangement (2021) in guiding our defence cooperation and confirmed our intent to elevate this to an agreement that is binding under international law.

It's true, isn't it, that your department is required to be consulted and involved in any agreement that Australia enters into that is binding under international law? You will continue to have involvement in that matter?

**Ms Adams:** The Minister for Foreign Affairs is responsible for international treaties. That's correct.

**Senator SHOEBRIDGE:** You would be aware of the statement that was issued on 10 February included:

We intend for the new agreement to bolster our strong defence cooperation by supporting increased dialogue, strengthening interoperability, and enhancing practical arrangements. Negotiations will include consideration of issues such as reciprocal access to training ranges and streamlined entry and exit processes for joint activities.

That is the broad nature of the intended agreement. Is that right?

**Ms Adams:** As per the statement, yes.

**Senator SHOEBRIDGE:** Is it your understanding that it is intended that will be by way of a treaty with Australia? What form of internationally binding agreement is it intended to be?

**Ms Bain:** This is a matter that the Department of Defence is taking forward with Indonesian counterparts.

**Senator SHOEBRIDGE:** Ms Bain, you're not contradicting the secretary's evidence that entering into a binding international agreement is a matter that can only be done through Foreign Affairs?

**Ms Adams:** Well, yes, once we are talking about an actual treaty negotiation. But, as a matter of policy, it's a defence department policy.

**Senator SHOEBRIDGE:** Our foreign minister met with the Indonesian foreign minister to begin this process as recently as February this year. Did the foreign minister raise with the Indonesian defence minister his deeply troubling past history as a military commander engaged in very serious human rights abuses?

**Ms Adams:** Well, I don't have her records of conversation in front of me. I will take it on notice.

**Senator SHOEBRIDGE:** Did the foreign minister raise the fact that the Indonesian defence minister was the commander of Kopassus Grup 3, where he commanded Indonesian special forces and militias that were responsible for murder, torture and other human rights abuses in East Timor? Was that raised in the meeting?

**Ms Adams:** Well, the meetings were with Indonesia's minister of defence and foreign minister, so they would have discussed defence and foreign policy issues.

**Senator SHOEBRIDGE:** Are you saying that wasn't raised?

**Ms Adams:** No. I am not saying that.

**Senator SHOEBRIDGE:** Even though the defence minister is in the same room as our foreign minister, in a meeting hosted here in Canberra, the human rights record was not raised?

**Ms Adams:** The Indonesian minister for defence and foreign minister came foreign and defence policy discussions. I am sure they were the main issues covered.

**Senator SHOEBRIDGE:** Was the fact raised that in 1996 that same minister led Indonesian forces in brutal and bloody reprisal actions against the West Papuan people? Was that raised in the meeting?

**Ms Adams:** The Indonesian minister for defence and the foreign minister came foreign and defence policy talks. I think it is safe to assume that those were the topics discussed.

**CHAIR:** This is your last question, Senator Shoebridge.

**Senator SHOEBRIDGE:** These are matters directly related to the military record of the defence minister. One would have thought they are directly related to whether or not we would have comfort that any arrangement entered into between Australia and the Indonesian military would respect human rights and would have appropriate human rights safeguards. The person your minister was negotiating with has an appalling record of human rights abuses. As I understand your evidence, that wasn't even on the radar. It wasn't raised. It isn't an issue. Is that right?

**Ms Adams:** I didn't actually say that, Senator.

**CHAIR:** We will now have to move the call on.

**Senator CHANDLER:** I have few different questions on Iran, if the relevant officials could come to the table. First of all, the officials would be aware that the Senate Foreign Affairs, Defence and Trade References Committee tabled a report into the situation in Iran earlier in the year. One of the recommendations from that report related to the decision-making process around how the Islamic Republic of Iran came to have positions on various UN bodies. At the top of that report, their position on the UN Commission on the Status of Women was identified as particularly topical. I wonder whether or not the government has formulated any response to that recommendation opposing the election of the IRI to any UN bodies in light of the regime's clear disregard for human rights?

**Mr Jadwat:** The government is considering the response at the moment.

**Senator CHANDLER:** So no firm position yet? Still under consideration?

**Mr Jadwat:** It's still under consideration.

**Senator CHANDLER:** Broadly speaking, does the government agree that it is inappropriate for Iran to be heading any United Nations body, particularly regarding human rights, while it's engaging in the behaviour that it currently is?

**Mr Jadwat:** Yes.

**Senator CHANDLER:** I look forward to your consideration of the report finding, then. Has Australia raised any objections to the UN Human Rights Council, either in writing or through our ambassador, about the appointment this month of an Iranian diplomat as chair of the UN Human Rights Council's social forum?

**Mr Jadwat:** I will just check my notes on that.

**Senator CHANDLER:** Thank you.

**Mr Jadwat:** Yes. In relation to the Human Rights Council's social forum, we're aware of the appointment of Iran's permanent representative to the UN office in Geneva as the chairperson rapporteur. What we can say is that it is regrettable that a country, of course, which so blatantly disregards human rights continues to be appointed to positions of leadership in the preeminent global body dedicated to promoting and protecting human rights for all people. We expect Iran to facilitate productive, open and interactive dialogue with civil society in line with past practice for all social forums. We will continue to work with our partners in the multilateral system to hold Iran to account for its abhorrent actions. So we are concerned about this appointment.

**Senator CHANDLER:** Thank you for expressing that concern in this forum. Was that concern expressed in any way in writing or through our ambassador, as I mentioned, prior to that appointment?

**Mr Jadwat:** I would have to take that on notice to check for you, Senator.

**Senator CHANDLER:** Thank you very much. We have also seen in recent weeks that Iranian made drones are having an increasingly major role in Russian attacks on Kyiv. Does the Australian government share Secretary Blinken's conclusion that Iran has now become Russia's top military backer?

**Mr Jadwat:** I would have to defer to colleagues who would have more information on defence related issues. Could I clarify, Senator? Are you asking if we agree with Secretary Blinken's view?

**Senator CHANDLER:** Yes.

**Mr Jadwat:** Well, I can't confirm whether or not Iran from our perspective is the No. 1 supplier of drones. We have sanctioned Iran and Iranian entities in relation to the supply of drones to Russia.

**Senator CHANDLER:** You are predicting my questions very well tonight. Thank you. What is the latest count of Iranian individuals and entities sanctioned over supplying drones to Russia?

**Mr Jadwat:** There are quite a few. On 10 December 2022, we sanctioned three individuals and one entity for the provision of drones to Russia. On 1 February 2023, we sanctioned four individuals and four entities for the provision of drones to Russia. On 20 March 2023, we sanctioned 13 individuals and one entity for the provision of drones to Russia under the Ukraine sanctions framework. Of these 15 persons, quite a few are linked to the IRGC. That is what I was going to add.

**Senator CHANDLER:** Sure. I think that, again, pre-empts my next question. Obviously, we welcome those sanctions against the individuals and the entities involved. Clearly, as evidenced by the fact that you've had to sanction so many individuals, it's a large-scale arrangement between the Iranians and the Russians. What action has Australia taken against the Islamic republic government itself for supplying drones to Russia to kill Ukrainians?

**Mr Jadwat:** Well, just to reiterate, Senator, those sanctions that were imposed on Iranian individuals and entities were directly linked to the supply of drones to Russia, so that was our way of taking action and expressing our condemnation.

**Senator CHANDLER:** Sure. Is DFAT aware of reports that South Korean and US government officials are working on a deal to release \$7 billion in cash back to the Iranian regime?

**Mr Jadwat:** I'm not aware of that, but I can take it on notice if anyone else in the department knows about it.

**Senator CHANDLER:** That would be good. If you are taking things on notice on that topic, I would also be interested in the Australian government's concerns, if any, about the prospect of that amount of money being released to the regime? Are there broader concerns about the worsening behaviour of the regime and the relevance of releasing that amount of money to them when they are behaving in such a fashion? This is my last quick line of questioning. I think we investigated somewhat at the last estimates the foreign interference report. At the last estimates, it had just been in the media, as referenced by the home affairs minister. At an ANU conference, I think she made a speech about this in relation to foreign interference in Australia. I am not interested in operational security actions here, because I recognise it's not necessarily the remit of this department. What diplomatic action has Australia taken in response to the Islamic Republic of Iran directing surveillance in the home of an Iranian Australian, as mentioned by the home affairs minister back in March?

**Mr Jadwat:** Well, Senator, I will reiterate what foreign minister Wong said in the February estimates. I won't go into operational details. What I can say is that the foreign minister conveyed Australia's concerns over foreign interference in a phone call with her Iranian counterpart on 22 March. The foreign minister tweeted about it and explicitly mentioned that she had raised the issue of the foreign interference and harassment and surveillance of people.

**Senator CHANDLER:** So that is still the extent of the diplomatic action in that regard? There hasn't been any further action taken since our last conversation at estimates?

**Mr Jadwat:** Well, in terms of direct contact with the Iranian regime, there is that contact the foreign minister had on 22 March and the public tweet. I have also called in the Iranian charge to express concern about a whole variety of issues relating to Iran's egregious behaviour across the board.

**Senator CHANDLER:** Was that since 22 March?

**Mr Jadwat:** Yes, 16 May.

**Senator CHANDLER:** Wonderful. Again, that was my next question. On 16 May, you had a conversation and a range of issue were discussed?

**Mr Jadwat:** I had a conversation with the Iranian charge d'affaires and expressed concern about their behaviour in general across the board on human rights issues.

**Senator CHANDLER:** Thank you. I am sure that you also communicated the condemnation that you have at least expressed in this forum or concern about their behaviour?

**Mr Jadwat:** Absolutely. I think he was under no illusions about that.

**Senator CHANDLER:** Good. I'm glad to hear that. Do you understand why Iranian Australians would expect that we should have a very strong diplomatic response in relation to this foreign interference instance? It is harassment of individuals within the diaspora. There's intimidation. It was serious enough for the home affairs minister to mention it in a public speech.

**Mr Jadwat:** Yes. I understand the concerns of the Iranian diaspora community about the Iranian regime's behaviour. That is why DFAT officials have now engaged with representatives of the Australian Iranian community on 11 occasions since the protests began in September last year. The most recent engagement was on 23 May, when Deputy Secretary Chan spoke to members of the Iranian community.

**Senator CHANDLER:** It might be useful for the committee to have—and provide it on notice if that's easier—the interactions you have had since the last estimates that we had at the end of March up until now with the regime through the charge and also the meetings you've had with the Iranian community, where it's appropriate to make those details public, and the nature of those conversations. I know there were some meetings with DFAT and some that might have been with DFAT and with Home Affairs previously, but I'm sure you can cover off on that information.

**Mr Jadwat:** Yes, we can do that.

**Ms Spencer:** We are working with the Department of Home Affairs to help ensure all our international partners understand Australia's approach to CFI, countering foreign interference, and supporting the diaspora communities to understand how they can respond and how we can assist them. We are working very closely with Home Affairs.

**Senator CHANDLER:** I know this, again, was something that came out of the Senate inquiry that we conducted towards the end of last year/start of this year. Certainly the diaspora community was quite concerned with some of the interactions that they'd had with government in whatever forum it might have been, whether it was calling the hotline or contacting directly, and being able to provide that information so that we know when the loop is being closed and when feedback is being heard. I think that is very useful. I might share the call around while I collect my notes.

**Senator BIRMINGHAM:** Has the department reviewed the research note prepared by your former colleague Ambassador Justin Brown for the Australia-European Union Track 1.5 Strategic Dialogue titled 'Countering Chinese economic coercion: enhanced cooperation between Australia and Europe'?

**Ms Adams:** Yes, we have reviewed that report.

**Senator BIRMINGHAM:** Mr Brown makes a number of proposals in the research note. Obviously it contains quite a bit of analysis as well. But in terms of proposals, there are just a couple that he puts forward that I wanted to test. One is that Australia and the EU work together to push for an agreement within the WTO to a common approach to countering economic coercion, ideally, he says, through a plurilateral agreement that would draw on the EU's own anticoercion instrument. Has the department commissioned any work or analysis in relation to this proposal of Mr Brown's?

**Ms Adams:** We have engaged on those issues in WTO. You're right to say that on economic coercion in WTO. It has been one of the conversations and Australia has participated in that. Perhaps some of that might come up more in the trade programs tomorrow.

**Ms Lawson:** We have engaged also with the EU and expressed an interest in the work they're doing, and we continue to look closely at that work. Obviously we want to work together with the full range of partners to make

sure that we address economic coercion in the right way and that we can encourage all partners and all countries to abide by the rules-based trading system.

**Senator BIRMINGHAM:** We can pursue this tomorrow if we get a chance and the opportunity to come back. If there is anything further in particular in terms of the work that is underway, papers prepared or initiatives with EU or other partners in relation to that proposal, I would appreciate the department taking that on notice and bringing that back to us. The second proposal of the several Mr Brown advanced was one proposed by former NATO Secretary General Rasmussen for a mutual defence pledge, which he said would be aimed at producing the same deterrence and solidarity in the economic realm among democracies that NATO produces in the security realm, proposed by forming an alliance of democracies to act as a deterrent to economic coercion. Is there any particular work or engagement underway with partners, perhaps building on the type of G7 initiative I was referencing earlier, to look at that type of alliance, pledge or mutual commitment?

**Ms Adams:** Yes, I think it's also a similar kind of answer, which is to say that these kinds of response mechanisms to economic coercion are being discussed in a few different fora as well as WTO, G7—and OECD; is that correct?

**Ms Lawson:** That's correct.

**Ms Adams:** Yes, we're participating in that. As you said before, we are one of the countries that have been subjected to economic coercion, and our experience in how to withstand that is indeed something we discuss with partners in different constellations.

**Senator BIRMINGHAM:** There is a certain degree of logic, in terms of OECD being under the type of framework that former NATO Secretary General Rasmussen identified, in terms of democracies and market economies being under a common umbrella. I have the same question on notice there as with the other idea in terms of any information or response the department can provide. Can I go now to some visits related questions. Is it confirmed that China's foreign minister will be visiting Australia?

**Ms Lawson:** No visit has as yet been confirmed.

**Senator BIRMINGHAM:** No visit has as yet been confirmed?

**Ms Lawson:** The visit has not yet been fixed or scheduled.

**Senator BIRMINGHAM:** What is the status of the proposed visit?

**Ms Lawson:** I will repeat: no visit has been scheduled at this stage.

**Senator BIRMINGHAM:** There seems to be a fair bit of reporting and commentary that a visit is to be taking place in July. Is that time frame for a visit under discussion between parties?

**Ms Lawson:** Obviously, the Minister for Foreign Affairs had a good meeting with her counterpart, Chinese foreign minister Qin Gang, on the margins of the G20 Foreign Ministers Meeting in New Delhi. It's clear that the Chinese foreign minister is welcome to visit, but a visit has not yet been scheduled.

**Senator BIRMINGHAM:** Is the proposal, in terms of a visit, for a formal round of dialogue under the foreign and strategic dialogue that was announced, I think, to be resuming between the countries?

**Ms Adams:** The foreign and strategic dialogue was, in fact, held between then foreign minister and state councillor Wang Yi and Minister Wong, the foreign minister, in Beijing just before Christmas, in late December. That has resumed. It's an annual meeting in principle. So it's quite possible that, were foreign minister Qin Gang to visit, it would be based on a foreign and strategic dialogue format.

**Senator BIRMINGHAM:** In terms of the regular tempo of that dialogue being successfully resumed, it would ideally be one that Australia would host and would host this year in terms of it being an annual dialogue alternating between countries?

**Ms Adams:** That's right.

**Senator BIRMINGHAM:** What topics would that dialogue naturally cover? Does it have under the CSP areas that are defined for particular coverage?

**Ms Adams:** Generally it would cover a set of bilateral issues as well as then a set of strategic regional and global foreign policy issues.

**Senator BIRMINGHAM:** Does it also cover human rights-type issues, or do they sit within the domain of what I recall to be a different track of dialogue that is part of the CSP arrangements?

**Ms Adams:** We would, as part of our usual comprehensive coverage of foreign policy and strategic issues, include human rights issues in that kind of dialogue.

**Senator BIRMINGHAM:** But we also have a dedicated—

**Ms Adams:** We have had in the past a dedicated human rights dialogue at officials level. That hasn't been held for some time. China chose to cease its previous practice of conducting those dialogues at fairly senior official level and had a more dedicated person at a lower level in charge of those dialogues. We were looking to continue the previous practice of having them at senior levels. So, for that and other reasons—COVID, of course, intervened as well—we haven't had that dialogue for many years now. Human rights issues, both specific cases and more general inconsistency with Australia's established positions on human rights, are raised in those ministerial meetings.

**Senator BIRMINGHAM:** Perhaps on notice you can come back to the committee just with a reminder on the last time that dialogue was held and what representations have been made in terms of seeking to re-establish that dialogue at an appropriate level of engagement.

**Mr Yip:** The last time the human rights dialogue was held with China was 2014.

**CHAIR:** Sorry? I couldn't hear you?

**Ms Adams:** The last time that dialogue was held was 2014.

**Senator BIRMINGHAM:** The last time was in 2014? So it has been close to a decade since that dialogue was held. Still, take on notice any advocacy efforts to attempt to resume that dialogue, appreciating caveats—

**Ms Adams:** It was discussed with great frequency in those years between 2014 and 2017 and since.

**Senator BIRMINGHAM:** You have some personal knowledge of that?

**Ms Adams:** Since then we have moved to cover that important agenda in whichever conversations we're able to have at officials or ministerial level or indeed leader level for that matter.

**Senator BIRMINGHAM:** Given that lapse of time and priorities of work at present, is there not a lot of optimism or expectation to be able to see China willing to restore that type of dialogue at the level Australia believes would make it worthwhile and appropriate?

**Ms Adams:** I think that's a correct assessment. China's made it clear that it's changed the way it chooses to interact with other countries on those issues.

**Senator BIRMINGHAM:** Is the Prime Minister visiting China later this year?

**Ms Lawson:** The Prime Minister has said publicly that he will visit China at some point in the future.

**Senator BIRMINGHAM:** Has an invitation officially been extended for him to visit this year?

**Ms Lawson:** The Chinese government has made clear that the Prime Minister is welcome to visit China.

**Senator BIRMINGHAM:** Has an invitation been officially extended?

**Ms Lawson:** The matter of the Prime Minister's possible visit has been discussed in a range of meetings in which the Chinese government has made clear that he is welcome to visit.

**Senator BIRMINGHAM:** So, they have made clear he is welcome to visit and within that appropriately departments would engage in and have discussions about how a visit may occur. If the foreign ministers meet beforehand, which is almost certainly a prerequisite for a visit, they would also no doubt discuss the nature of a leader-level visit. But for clarity in terms of the question I'm asking, has any specific invitation been issued to the Prime Minister to visit, a specific invitation attached to a time frame or an event or anything of that nature as distinct from, as you've said, Ms Lawson, the general indication in a range of fora that he is welcome to visit?

**Ms Adams:** It's the latter, as Ms Lawson has said, and of course Ambassador Xiao said that himself in his press conference. So it's well and truly on the record that there's a general invitation to visit when it suits both sides.

**Senator BIRMINGHAM:** Chair, were you wanting to move sometime soon?

**CHAIR:** I was. Do you have more on this particular issue?

**Senator BIRMINGHAM:** I do.

**CHAIR:** I'll give you five minutes and then we'll see how we go.

**Senator BIRMINGHAM:** Thank you. Outside of the type of precondition I just described, which is the likelihood of foreign ministers having a meeting and the types of dialogue that would go into at least facilitating a head-of-government visit, what other requirements does Australia have for the Prime Minister visiting China?

**Ms Adams:** I'd say, as the Deputy Prime Minister said, we're not about to put timeframes or conditions. As you say, it would be normal for the way that China sees these processes to have a foreign minister visit preceding.

That would be common. Nobody here said there were any preconditions, but that would be a common way of proceeding; otherwise, as the foreign minister said, Australia would need to see continued progress. We're looking for positive circumstances for a visit to be a successful one, which is what we would be looking for.

**Senator BIRMINGHAM:** Minister, in your assessment will it be necessary for a Prime Ministerial visit to make final significant breakthroughs in the removal of trade sanctions against Australia or is it possible for such a visit to occur at a time when the agreement has been reached for the removal of those sanctions?

**Senator Farrell:** That's a very good question. I can only reiterate the comments of the Deputy Prime Minister in terms of preconditions. What I would say is this. These trade impediments didn't occur overnight. They're not going to be resolved overnight. It's going to take some perseverance and persistence to get these trade impediments removed. I know that I've got the full support of the Prime Minister and the foreign minister, and for that matter the Deputy Prime Minister, to keep working at these issues. The two things can happen simultaneously. We can have this discussion about the Prime Minister going to China, and I and my colleagues can continue the work to get these trade impediments removed. There are good signs in a range of products. We know that coal sales are significantly going back into China. Cotton and copper ores and concentrates are also going back into China. We saw, last week I think it was, or the week before last, following my visit to China, that the bans on timber were lifted as of that day. That very day the bans were lifted.

I explained earlier in the day about the process we've adopted in respect of barley. If we can quickly resolve the barley dispute, as I hope we can, that then leaves us, on my understanding, with the issue of wine. Obviously that's a very big issue, particularly for my home state of South Australia, given the amount of wine that was being sold into China—well over a billion dollars worth of trade. Sections of the meat industry—again, as I mentioned earlier, there are abattoirs in Australia that are still subject to COVID bans where we say there are no biosecurity issues. I think I got to this point earlier when we were discussing this issue. We have requested that we resume formal senior discussions about these sorts of customs/biosecurity issues that are impediments to us getting those products back into the market. Hay is another one that has been subject to bans. Again, that's an issue we are pursuing. Last but not least is lobsters. Chinese consumers absolutely loved Australian lobsters. They haven't been able to get them over the last couple of years. There are positive signs, particularly as it relates to Western Australia, where applications for import of lobsters have not been rejected, but at this stage no lobsters have gone back into China.

I specifically raised all of those items with the Chinese minister in my first face-to-face meeting with him, and then I've subsequently raised them last Friday when I met with him and reiterated to him the urgency of resolving all of these issues. I don't think I could have made my position any clearer to the Chinese minister. I don't think he's under any misapprehension about what we want the Chinese government to do. But, as I say, I think the Prime Minister can do what he does best and proceed with any discussions that might result in a visit at sometime in the future. My job is to get these impediments removed as quickly as possible and that's what I intend to do.

**Senator BIRMINGHAM:** Indeed, a dual track in terms of the pursuit of those two things certainly can be undertaken. The secretary, I think, put it well before, in terms of ensuring a successful visit and the conditions for a successful visit of the leader of Australia's government. As much as ministers always wish for successful visits, there's also an element of the dirty or grunt work that is required.

**Senator Farrell:** I'm happy to take on that role.

**Senator BIRMINGHAM:** I know, Minister. The reality for successful leader-of-government visits is one where outcomes need to be as assured as possible.

**Senator Farrell:** I take your point. You're right; there can be two streams. The sorts of issues that I'm dealing with are obviously important issues for Australian wine and food producers and mineral producers. We need to get them resolved, but there's a range of other topics that leaders would discuss. If and when the Prime Minister makes the trip up there, I'm sure he will be welcome. I have one historical fact that you might be interested in. When I was there a couple of weeks ago, it was to the day the 50th anniversary of the first Australian trade minister who had gone to China. Jim Cairns was the trade minister.

**Senator BIRMINGHAM:** Let's see where your career goes. However, I'm not sure there will be parallels.

**Senator Farrell:** That wasn't the point I was trying to make.

**Senator BIRMINGHAM:** Equally, I am aware of those anniversaries. I acknowledge the generosity of Minister Wong and the government in having me speak last year at the 50th anniversary of diplomatic relations. I have no doubt in the Prime Minister's office they are well aware the 50th anniversary of former Prime Minister Whitlam's visit is approaching. Tempting though that anniversary is, it's also crucial, with the points we've raised, that, frankly, the Prime Minister is not having to pursue the issues you're pursuing when he gets there, because



ideally those issues are resolved; when it's all boiled down, it's only a case of asking China to honour the agreements they've already entered into with Australia.

**Senator Farrell:** There's no dispute about that.

**CHAIR:** Senator Shoebridge.

**Senator SHOEBRIDGE:** I firstly wanted to note for the record my appreciation of the extent of work through the ambassador, the ambassador's officers and the consular work in Iraq for Mr Pether. I didn't properly acknowledge the sheer quantity of representations and work from the consular team. I think it's appropriate I put that on the record. I don't think that's the end of the matter. I think it's appropriate to acknowledge the sheer volume of representations that have happened at that level. Could I ask about another detained Australian, Chau Van Kham, who's been detained now for four years in Vietnam again in circumstances that can only be described as deeply substandard, and in a case which appears on the face of it to involve arbitrary detention. Can you indicate what representations have been made?

**Mr Gerard:** Yes, I can. We've made more than 90 representations to Vietnam.

**Senator SHOEBRIDGE:** Noting, of course, that in fairly recent times sustained campaigns by the governments of, amongst others, Finland, France, the United States and Germany have seen their citizens pardoned and released, although exiled, is there a strategy in place from the Australian government to obtain the same outcome for Chau Van Kham?

**Mr Gerard:** We raised Mr Kham's case at the highest level with the government in Vietnam, who are well aware of our interest in his case. Mr Kham himself has applied for an international prisoner transfer, which is a scheme administered by the Attorney-General's Department. That's one of the ways we're engaging with Vietnam on this case.

**Senator SHOEBRIDGE:** Is Australia supporting Mr Kham's application for an international prisoner transfer?

**Mr Gerard:** It is Mr Kham's application, and we engaging with Vietnam on those details.

**Senator SHOEBRIDGE:** My question was: has the Australian government indicated support for the application and made that clear to the government of Vietnam?

**Mr Gerard:** Yes, we have.

**Senator SHOEBRIDGE:** When was the last time Australian officials met face to face with Mr Kham?

**Mr Gerard:** It was on 22 May.

**Senator SHOEBRIDGE:** Have efforts been made to ensure Mr Kham has regular access to phone calls with his wife and family? Has that been part of the representations?

**Mr Gerard:** We have visited Mr Kham in prison on 25 occasions. We continue to liaise very closely with his family in Australia and provide consular support to him.

**Senator SHOEBRIDGE:** Has that included making express efforts to allow him to have that phone access to his wife and family?

**Mr Gerard:** We're certainly happy to amplify any requests from Mr Kham to the government of Vietnam, yes.

**Senator SHOEBRIDGE:** Could I then ask about Hassan Askari, an Australian citizen detained in Pakistan. Again, has the Australian government raised Hassan Askari's case with the Pakistan government?

**Mr Gerard:** Yes.

**Senator SHOEBRIDGE:** Can you indicate at what level and how often?

**Mr Gerard:** Yes, I can tell you that our case has been raised by the ambassador on a number of occasions, most recently two days ago, on 30 May, and another two times in the month of May.

**Senator SHOEBRIDGE:** Has that included supporting his requests and his family's requests to transfer him closer to his family?

**Mr Gerard:** Our representations are to indicate the priority we attach to his case to the government of Pakistan. We cannot intervene in those legal processes, but we do engage with Pakistan on issues of importance to both the client and his family.

**Senator SHOEBRIDGE:** It was remiss of me not to raise this in relation to Mr Assange earlier. Where a prisoner is detained and the circumstances in which a prisoner is detained are not a judicial matter but an administrative matter undertaken by prison authorities, has the Australian government sought to have the

conditions of Mr Assange and the circumstances in which he's detained addressed, including a reclassification of him and his moving from the particularly harsh conditions in Belmarsh prison?

**Mr Gerard:** Mr Assange has not provided consent for the Australian government to inquire about issues related to his welfare. We have offered that type of consular support to Mr Assange, but absent his consent we are restricted to seeking assurances from authorities in the UK.

**Senator SHOEBRIDGE:** But if you were satisfied of having consent, they would be matters the Australian government would raise with prison authorities or with the UK government, seeking the prison authorities' intervention in that regard?

**Mr Gerard:** We'd be very happy to engage with Mr Assange on matters relating to his welfare, yes.

**Senator SHOEBRIDGE:** Secretary, in relation to Pakistan, we have seen over the last several months a serious deterioration in the political situation, repeated instances of excessive force being used against protesters, mass arrests of political opponents, including extremely high-profile political opponents, not least of whom is the former Prime Minister, and reports of at least two prominent journalists going missing. We've civilians being tried under military law, contrary to international standards. Have these incidents and developments in Pakistan been raised by the Australian government either through the high commission in Pakistan or to the high commission in Pakistan here in Canberra?

**Ms Adams:** I'll defer to Mr Cowan.

**Mr Cowan:** Yes, we'd agree that there's been a sustained period of volatility in Pakistan, especially since the dismissal of Imran Khan's government last year in April. Tensions rose significantly after his arrest on 9 May and, as you note, there have been mass protests and reactions from security forces. Mr Khan was released on 11 May and there are some ongoing cases in that regard. We've been closely monitoring the situation, including for consular and security implications for Australians in Pakistan. We've been making clear that we support a Pakistan that's peaceful, prosperous, democratic and adheres to the rule of law. We've been calling on parties to adhere to the rule of law and to respect and promote human rights. We've been engaging with Pakistan's authorities mainly through our high commission in Islamabad. In the period since 9 May we've had five meetings with government representatives. Also, our high commissioner met Imran Khan on 31 May, yesterday. We've registered our interest in the case and in broader events and their handling.

**Senator SHOEBRIDGE:** I appreciate that and particularly the meeting yesterday. Has the Australian government raised with the government of Pakistan concerns about the attempted assassination of Mr Khan?

**Mr Cowan:** I don't have information specifically on the words you've put there, but we have certainly raised the general issues I've mentioned. We've particularly also pointed to the case of Mr Imran Khan. We've signalled that interest by calling on different elements of members of the government, both state and central, and also through the meeting with Imran Khan himself. I should say we have very regularly raised human rights issues across the board with Pakistan, whether that's here through their high commission, through our high commission in Islamabad and also through our regular senior officials talks, which I took part in earlier this year.

**Senator SHOEBRIDGE:** Has the government considered using targeted Magnitsky sanctions against individuals within the Pakistani government who are perpetrating these violations of human rights and gross breaches of international law?

**Mr Cowan:** As I think you heard from other colleagues earlier today, we don't comment on sanctions actions that may or may not be in contemplation ahead of time.

**Senator SHOEBRIDGE:** My final questions are in relation to the situation in Bangladesh. A significant number of members of the Bangladeshi diaspora have raised with my office concerns about the human rights abuses of the Rapid Action Battalion. Is this a matter the Australian government has raised with the Bangladeshi government?

**Mr Cowan:** Again, with Bangladesh we do regularly raise human rights issues. That is true for our communication here with the high commission, communication in Dakar through our high commission, and also other meetings we have. For instance, when Assistant Foreign Minister Watts visited Bangladesh in recent weeks he's made representations on human rights issues, especially the need for free and fair elections. Similarly, I raised myself a range of human rights issues with Bangladesh in our regular senior official talks, which were held in Dakar in March, going to issues of free and fair elections, freedom of expression, the death penalty and so on. We have registered with them the actions of the Rapid Action Battalion. As you know, we don't maintain sanctions against that entity. We don't maintain them against government entities in Bangladesh. There are two entities in Bangladesh that are subject to sanctions under Australian law and they are sanctioned because the UN Security Council listed sanctions. We, of course, implement them.

**Senator SHOEBRIDGE:** It's now more than 18 months since the United States government issued sanctions against the leadership of the Rapid Action Battalion, citing more than 600 extrajudicial disappearances and murders that were attributed to the RAB. Why has there been no similar action by the Australian government?

**Mr Cowan:** I can really only repeat that we don't comment on sanctions that other countries put in place. We don't speculate on possible sanctions action we may take. In the case of Bangladesh, the sanctions we do impose are those that have been identified and put in place by the UN Security Council.

**Senator SHOEBRIDGE:** Issues were raised by your department in relation to the capacity of Australia's Magnitsky sanctions to be applied to entities within a government, whether it's entities within the Iranian government committing notorious human rights abuses or in this case the Rapid Action Battalion in the Bangladesh government that's committing significant human rights abuses. Is there any work being done to review our laws to ensure organisations like that can be targeted under Magnitsky provisions?

**Ms Adams:** I think the reality is those sorts of sanctions aren't well aimed at actual organisations that are parts of states.

**Senator SHOEBRIDGE:** When these organisations are politically directed, notorious and clearly identifiable, surely there's a benefit in being able to list them so all of the senior members of those organisations can be targeted in a single listing? Surely there's a benefit in doing that, whether it's the RAB or—

**Ms Adams:** I'll invite Mr Walter to add from a sanctions point of view, but from a broader policy point of view I think it's worth recalling that sanctions aren't the only policy tool available. They're not the only tools; they're really the first. We are raising our views and our consistent positions on human rights issues in many fora and publicly and in bilateral engagements. Are there any brief comments you want to add, Mr Walter, from a sanctions framework regime point of view?

**Mr Walter:** Perhaps the only thing I might add in this context, because you asked specifically about a review of the framework, is that we are undertaking a review of the sanctions framework. We undertook public consultation earlier this year. We're in the process of formulating recommendations for government, and of course it is looking at the overall scheme for how we impose sanctions. I'm not really able to speculate more on where the government might go with that, but it is absolutely looking at how current sanction schemes are structured and how we impose them.

**Senator SHOEBRIDGE:** Finally, is there a time frame for that?

**Mr Walter:** There is in the sense that the autonomous sanctions regime is scheduled to sunset next year, in April, I think, from the top of my head. So, yes, we're working on that.

**Senator SHOEBRIDGE:** Before it sunsets?

**Mr Walter:** We would like something in place before it sunsets.

**CHAIR:** In the interests of time the committee has decided to push back the tea break to 9.30, and the hope is we will conclude by 9.30. I will be giving the remainder of the time now to the opposition. Hopefully by then we'll be able to wrap up the evening. Senator Fawcett.

**Senator FAWCETT:** As to Myanmar, could you give us an update on DFAT's understanding of the current situation in Myanmar and, following on from the questions I asked in the last estimates, efforts to engage with groups who are reaching the displaced peoples within Myanmar that are outside the areas controlled by the Tatmadaw? I'm still hearing from the NUG and others that is an issue.

**Senator CHANDLER:** I might start off and then Ms Mudie might add to it. We remain deeply concerned about the situation in Myanmar, as we have said repeatedly in multilateral meetings, including where Myanmar representatives have been present. We monitor the situation closely and the actions that the regime is taking. It's more than two years now since the coup and the situation continues to deteriorate. We've seen a worsening multidimensional crisis. It has severe humanitarian, human rights and socioeconomic consequences. We have around now—and there are different statistics—3,520 killed and over 22,481 injured. We've seen a terrible series of air attacks earlier in the year in April, in Sagaing and Chin State, during which we understand about 170 people were killed. The regime continues to tighten its grip on power through repression and the use of violence, and on 1 February it extended the state of emergency for a further six months, with martial law declared in parts of the country. Plans to hold elections have been delayed, and a new political party law introduced in January has led to most major political parties, including the National League for Democracy, being deregistered. That renders preparations towards an already flawed electoral process even less representative, which is very discouraging. We've seen ongoing violent clashes between military, civilian armed groups and ethnic armed organisations in

different parts of the country. The regime continues to carry out aerial bombardments, as mentioned, including the Sagaing and Chin State.

The people and communities continue to suffer from great insecurity, as you can imagine, and a complete lack of security from ongoing conflict. They are also unable to access critical health and education services and funding for them is also falling, which is a great concern. The humanitarian situation continues to worsen. We understand now there's an estimated, according to the UN, over 17 million in need of humanitarian assistance, and that compares to about one million before the coup two and a bit years ago. There are close to one and a half million estimated to be internally displaced. On top of that, we've had a few weeks ago tropical cyclone Mocha, which caused damage and devastation, with many more dead, missing and injured. The minister announced \$1 million in assistance to help alleviate the suffering from that cyclone, \$500,000 for the Myanmar side of the border, and \$500,000 on the Bangladesh side.

**Senator FAWCETT:** Before we move to the aid side, clearly the ASEAN process, as they admit themselves, has not moved at all, and certainly not successfully in the direction they hoped. Has there been any dialogue from the Australian government with those third parties who are supplying fuel, ammunition or other materiel to the Tatmadaw to raise our concern at their ongoing support for the Tatmadaw? Other than statements in the UN and so on, has there been any direct dialogue with the main supporters of the Tatmadaw to register our concern and our objection to the support of such a brutal regime?

**Ms Chan:** We strongly support the ASEAN-led process and ASEAN's efforts, which are ongoing, as a key element in international efforts to resolve the issue. We're continuing, as ASEAN is, to urge the regime to implement the five-point consensus that it signed up to a couple of years ago. We think that provides a strong path forward. We are very strongly supportive in particular of Indonesia as ASEAN chair this year, which has set up an Office of the ASEAN Special Envoy to Myanmar. There's been a huge amount of activity there. We have seen ASEAN make some very strong statements about the need for the regime to implement the five-point consensus. ASEAN was also successful in conducting a humanitarian needs assessment in Myanmar and it did deliver assistance in the wake of the cyclone. I think Indonesia, Malaysia and Singapore managed to deliver assistance a couple of weeks ago. We are very supportive of that process and we share the frustrations of Indonesia, as chair, and the rest of ASEAN with the lack of progress on implementing that five-point consensus. As I mentioned, we do raise Myanmar and efforts to push the regime to cease violence and detaining all of those who are wrongly imprisoned; to allow humanitarian access and to engage in inclusive dialogue with both our colleagues in ASEAN, when we see them at ASEAN related meetings, as well as others whom we think have closer relations with the regime.

**Senator FAWCETT:** That's a fantastic exposition on our support for ASEAN, which I understand, but my question was: has there been any contact from the Australian government with those nations providing materiel support to the Tatmadaw, particularly in areas like aviation jet fuel, Jet A-1 or Avtur, which are enabling the airstrikes which are the most deadly in terms of targeting civilian populations?

**Ms Mudie:** We maintain an embargo against Myanmar on all forms of weaponry and other forms of defence materiel. We discuss the situation in Myanmar with international partners regularly, both in relation to the ways we can increase pressure on the military regime and to advocate for countries to reduce practical support and assistance where that may be happening. This would include questions around the supply of any arms to the regime. In relation to your question, the answer is, yes, these are things we do discuss and we would discourage those we felt were moving in that direction from doing so as part of our broader advocacy in support of Myanmar.

**Senator FAWCETT:** So, there have been general discussions. My specific question is: have you discussed with those nations that we are aware are the source of fuel and weapons our objection? As a supplementary question, have we initiated or sought to work with other parties through the United Nations system to get a resolution in the General Assembly that the provision of things like jet fuel is something the UN does not support?

**Ms Mudie:** I'm not aware of specific discussions during my time in this role. In relation to discussions we have in the UN, we do work closely with a range of partners when Myanmar is under discussion. One of the things we do support strongly is a global arms embargo, and that is something we will continue to support in discussions on the ground at the UN.

**Senator FAWCETT:** Have you extended those discussions to include fuel, which is one of the enablers for delivering said arms in a way that terrorises and kills many in the civilian population?

**Ms Mudie:** I need to check the detail of what we discussed. This is going back a couple of years. In June 2021, we co-sponsored a UNGA resolution on Myanmar to call for all member states to prevent the flow of arms into Myanmar. I would need to check whether that went as far as a specific reference to fuel.

**Senator BIRMINGHAM:** I think there's important specificity to what Senator Fawcett is raising rightly in her synopsis of the situation in Myanmar, and highlighting the airstrikes on civilian populations and the loss of life and casualties associated with that as being a particular escalation in terms of what has occurred and the appalling circumstances there. Whilst, yes, our efforts in general arms embargoes and in seeking to have other countries apply the same sanctions and approaches as Australia does are ones we shouldn't let up on, I think the line of questioning from Senator Fawcett is: can we home in on the particularities of what are enablers of that type of atrocity occurring in Myanmar, and what type of cooperation could be had with international partners to at least cut off that particular line of activity? It's obviously very hard to stop combat and conflict on the ground, given the weapons that are already there, given porous borders and all of those other factors. But in this case we're talking about a particular line of attack.

**Ms Chan:** Yes, we can check that. As Ms Mudie said, we talk to a wide range of partners about our concerns on the situation in Myanmar, condemning the situation. We can check the specificity about our fuel.

**Ms Mudie:** I would also note that we have opportunities in the Human Rights Council and other fora. We will certainly look closely at that.

**Senator FAWCETT:** The point is that large nations, even those on the UN Security Council, at the end of the day are somewhat responsive to appropriate use of the global rules based system, and I think Bali is a case in point. My question is: are we using those systems to the fullest extent possible to cut off enablers that are enabling the regime to exercise the terror and destruction of the civil population in Myanmar? What I'm hearing is that, while we're talking, we are not necessarily actively driving and working with the systems that are available to us to try to choke off those enablers. I look forward to your answer on notice. Finally, to the question of ODA and getting that through to groups that can reach people, those 17-odd million people Ms Chan talked about who are displaced and often not under the areas controlled by the Tatmadaw where the multilateral groups get in?

**Ms Mudie:** Yes, and we've discussed this before in previous sessions. Just as a bit of context, as you are aware, this financial year we're providing a total of \$121 million, in 2023-24, and this includes \$42.1 million in bilateral allocations. This continues our longstanding commitment to get much-needed assistance to the most poor and vulnerable in the country. We are working hard to find partners that can get aid to the hard to reach areas in conflict affected parts of the country.

**Senator FAWCETT:** Can I stop you there. You said you're working hard to find partners. There are partners already who are on the ground and effective and who have reached out to DFAT. What developments have occurred with those who are already on the ground, are respected and have trusted networks? Are you engaging with them?

**Ms Mudie:** Yes, we are. As you know, we work primarily by delivering our aid to large agencies with the UN and other multilateral and regional partners who then work with local partners. One of the things that we do is careful due diligence to make sure those partners are not going to be funnelling any assistance directly to the regime and also that we know they can reach hard to get to areas. A number of organisations that we're working through include OCHA, Myanmar Humanitarian Fund, the UNOPS Livelihoods and Food Security Fund, and local organisations receive around 60 per cent of all funds going through the MHF, the Myanmar Humanitarian Fund. Our funding does include a wide range of organisations and, as I think I've mentioned previously, some of that goes through the Australian NGO Corporation Program, the ANCP, which includes a range of religious aid organisations as well.

**Senator FAWCETT:** How much goes through that program?

**Ms Mudie:** I would need to check that detail for you. But noting the sensitivities of the security situation, we don't publicise the details of those granular local implementing partners, but we do make great efforts to ensure that we're getting aid to the right people that can be delivered. You've mentioned the territorial control of the regime in the country. We have been looking carefully at this. It's difficult to verify the accuracy of specific statistics regarding how much of the territory is controlled by the regime, but we are working, as I said, with partners that we believe can operate in regime controlled and non-regime controlled areas. Our range of partners include the Red Cross movement as well as UN and other NGOs. What we know about our partners is they do have established systems and networks in place which seek to mitigate risks in the current environment and ensure accountability. That goes back to the earlier point I made about our due diligence, that we want to be working with the right partners to get the aid to the people who need it most. As I said, it is difficult to accurately

ascertain the amount of territory that's controlled by the regime. Much of the country, as you would know, is now contested and there are multiple armed actors present in different areas. Control is constantly changing across those areas. But we can say is that the regime doesn't currently have total administrative control over a large part of the country due to active ongoing resistance. A figure of 17 per cent has been mentioned in various reports. We're not confident that's accurate. We believe that the UN international NGOs are able to work in areas that are not controlled by the regime.

Finally, there are a number of challenges in delivering aid to those hard to reach communities, but we do understand that our aid is reaching conflict affected areas of Chin, Kachin, Kayah, Kayin, Shan and Rakhine states as well as along the Thai-Myanmar border. We expect to have a clearer sense of the actual distribution into regime and non-regime controlled areas when we get an update from OCHA on its 2022 distribution. We're waiting to see that. That sums up the situation as we know it. Just to go back to the starting point, our system of working through big organisations that we can trust to find partners who will not get aid into the hands of the regime is where we start and then we proceed and work with the range of partners that we can.

**Senator FAWCETT:** Just in terms of understanding the dynamics on the ground both from a security and an aid distribution perspective, I'm aware that the Minister for Human Rights from the NUG was here in Australia recently. In fact, he met with the Joint Standing Committee on Foreign Affairs, Defence and Trade. Did DFAT meet with the minister?

**Ms Mudie:** Yes.

**Senator FAWCETT:** Did our foreign minister meet the minister?

**Ms Chan:** Our foreign minister has not at this stage, but I met with the minister, as did our Ambassador for Human Rights. Our minister has made clear that we'll have ongoing contact with a wide range of the democratic voices, including the NUG.

**Senator FAWCETT:** As to the information coming from the NUG about the need on the ground and trusted networks—I would place a high degree of assurance on the fact that they are not Tatmadaw sympathisers and would not be recommending groups or areas that would be falling into the control of the Tatmadaw. Did you seek information from them to help clarify which groups would be suitable to work with in terms of getting aid to the most affected areas? Was that a topic or an outcome of your meetings with the human rights minister from the NUG?

**Ms Chan:** That was not a specific topic that we discussed, although we did discuss the issue of his assessment or NUG assessment of who controlled which areas, which will help inform all of this.

**Senator FAWCETT:** Would you consider reaching back out to the NUG to ask them for their opinion on who you should be working with on the ground?

**Ms Chan:** Yes, we've had contact with the representative office here. That is an ongoing topic of conversation, yes.

**Senator FAWCETT:** There seems to be an awful lot of talking. I realise it's a difficult situation, but there are literally people dying, struggling with health and with nutrition on the ground. It strikes me that this is not a business as usual situation for the delivery of aid. I would like to think that DFAT has the flexibility to find appropriate ways to do due diligence that is reflective of the urgency of the need as opposed to sticking to practices that may be appropriate for countries that have a stable government with no conflict that may be affected by a drought, famine or some other unfortunate disaster situation.

**Ms Mudie:** I would assure you that our embassy works very hard on the ground in Yangon to make contacts and discuss with multilateral partners, as our distribution evolves and is sent out. As I said, the situation is changing constantly. We are flexible on the ground. Our charge in Yangon has the flexibility to make decisions quickly about how to distribute aid as the situation changes, and that's reflected in the way partners are chosen and worked with over the course of the financial year. In terms of listening to opinions and voices of those who would know about best distribution methods and perhaps good partners, we're certainly open to hearing from all parties. Our discussions with the Myanmar community, which we conduct on a regular basis, also contribute to that as well as the work on the ground in Yangon.

**Senator FAWCETT:** I have two other topics before I hand the call to Senator Birmingham. One is to do with Taiwan and one is to do with Israel. I have seen some media reporting about pressure over who should be allowed to join the CPTPP. Whilst the content of the CPTPP is a trade issue, Australia's position about who we will we engage with, I'm assuming, is the larger foreign affairs rather than trade portfolio and so could you clarify that our position has not changed from that which has been stated previously, that is, the CPTPP is a high-quality trading framework and that nations who have demonstrated adherence to rules, good practice and good faith are the sorts

of people we would support for accession, but those who have not demonstrated such practice would not be supported? Does that remain our position?

**Ms Lawson:** Yes, our position remains that CPTPP membership is a consensus decision for all of the CPTPP partners and that aspirant economies must adhere to the trade commitments and have the highest standards of demonstrated commitment to trade rules.

**Senator FAWCETT:** With respect to Taiwan, one of the status quo conditions they have had for many years is the ability to trade with other economic blocs or economies and they've had the ability to engage whether as an observer or in other ways with international bodies like World Health, transport, aviation and so on. Do we still maintain our support for that to be the status quo, that is, they should have the freedom to engage and for us to engage with them on such issues?

**Ms Lawson:** Of course, as you know, we also have a very strong economic partnership with Taiwan. In fact, that partnership has grown quite significantly in the past couple of years. It's grown from \$15.2 billion in 2020 into a trade of \$41.5 billion. That's a really big increase in our trading relationship with Taiwan. You can see the significance of the relationship. As you note, we also continue to advocate for Taiwan's meaningful participation in international organisations. Where statehood is a requirement, we support participation as an observer or a guest. As you rightly note, at the World Health Assembly, for example, we have consistently called for a meaningful participation in that organisation. With the CPTPP, of course, at the moment the focus is on UK accession and our position remains the same.

**Senator FAWCETT:** The next question is not a party political question, because I believe the last trade minister to visit Taiwan was from the Labor Party as opposed to the coalition. Is that correct?

**Ms Lawson:** That's correct.

**Senator FAWCETT:** Whilst I would say, quite openly, I would wish that a trade minister from the previous government had visited and engaged with Taiwan, my question is to the current trade minister, Senator Farrell. Do you have any plans to visit Taiwan, given our growing trade links with them?

**Senator Farrell:** No.

**Senator FAWCETT:** Would you be open to a visit if it was requested?

**Senator Farrell:** I met with my trade equivalent last week. We had a very productive and friendly discussion. I'm happy to continue those discussions.

**Senator FAWCETT:** That is terrific. Thank you. Can we move on to Israel, please? The European Parliament, I understand, recently passed a resolution expressing concern at the extent of anti-Semitism, glorification of violence and martyrdom in the textbooks provided by the Palestinian Authority for students in schools, which are then used by UNRWA in schools, and the motion called for the European Commission to not fund UNRWA until they cease using those textbooks that glorify violence. Are you aware of that vote in the European Parliament?

**Mr Jadwat:** Yes.

**Senator FAWCETT:** What action have we taken to verify the accuracy of the information they have used? We've seen many reports over the years, particularly since about 2014. I believe it's become worse. Is their understanding consistent with your understanding of the content of those textbooks?

**Mr Jadwat:** Our acting head of post in Ramallah made representations to the director of UNRWA external relations on the importance of UNRWA's neutrality on 5 May. We also have made representations in relation to other allegations made by UN Watch on 15 March. There have been several representations made. Australian officials participate in an advisory commission and a subcommittee. We actively engage with UNRWA's governance mechanisms and continue to be a strong advocate for continued reform of UNRWA operations.

**Senator FAWCETT:** So, we engage as an advocate for reform, but my understanding is we've effectively doubled the funding to UNRWA?

**Mr Jadwat:** Yes, we have. That is because UNRWA is the only organisation that has the mandate to provide education, healthcare, relief and social services and emergency assistance to Palestinian refugees, and has delivered a significant amount of assistance including primary healthcare, consultations, food and nutritional support, technical and vocational information, and provided education for over 500,000 children in the social safety net to over 325,000 refugees. UNRWA does play an essential role. At the moment it contributes to stability in a volatile environment. In many instances, UNRWA services a vacuum that Hamas and other extremists would otherwise exploit. We are aware of the textbook issue and, as I said, we do regularly talk to UNRWA about all of these issues. The Australian representative to the Palestinian Territories has lobbied the Palestinian Authority

Minister for Education to remove problematic content from the Palestinian Authority textbooks which are used in UNRWA schools. That was done on 13 October last year. We've also urged the UNRWA Commission General on the need to ensure that problematic content is not taught in UNRWA classrooms.

**Senator FAWCETT:** I'm struggling to understand how essentially brainwashing through a fixed curriculum the entire youth of the West Bank that martyrdom against the State of Israel and the Jewish people is a way to stabilise the region. In light of the violence that has broken out—and I accept there is blame on both sides for some of the incidents—I fail to see how funding an organisation to inculcate a love of violence and a desire to hate a particular people is contributing to stability. Secretary, are you comfortable that we are continuing to fund UNRWA given the outcomes we're seeing on the ground?

**Ms Adams:** It's a very difficult environment in which to be seeking to deliver development outcomes. We're doing the best we can in terms of prosecuting our range of interests, as has been outlined by Mr Jadwat in terms of the humanitarian side. I don't want to say the 'textbook issue'. That belongs in another part—

**Senator FAWCETT:** There are a number of nations in the Middle East who are actively reviewing their curriculum and removing anti-Semitic content and the glorification of violence and martyrdom and moving forward into a far more positive regime. The Palestinian Authority stands out as an exception in the region. Minister, are you comfortable that Australia and your government continues, in fact doubles, the funding to UNRWA, who choose to use this material in their schools?

**Senator Farrell:** This government has no support for anti-Semitism in any of its forms. These are issues clearly in the purview of the foreign minister, and I'm happy to chat to her about it and get a response from her.

**Senator FAWCETT:** If you could, particularly in the light of what the European Parliament is doing. They're not known for taking strong positions on these sorts of things willy-nilly. They obviously feel there's a weight of evidence there and this is a reasonable course. I look forward to your response, Minister.

**Senator CHANDLER:** We talk about the importance of neutrality, but the material that UN Watch has investigated here shows instances of extreme anti-Semitism and the glorification of terrorism. Is there anything that the government has within its ability to do to ensure that, when we are giving funding to an organisation like UNRWA—and let's use this as a specific example; can you make sure the funding you provided to UNRWA isn't going towards the employment of people within that organisation who are promoting these views? Are there any safeguards you can put around the funding that you're providing to ensure that it's not going towards this sort of thing?

**Mr Jadwat:** Absolutely. UNRWA has obligations written into its contracts requiring it to undertake due diligence and risk management activities. As I said, we work with them on governance mechanisms to ensure that they comply with that. We regularly review all of our projects and all of the assistance that's provided. Our staff on the ground in Ramallah that are posted to post there are in constant contact with them. We do regularly review, monitor and assess the program. As the Secretary said, it's a complicated situation there. UNRWA has assured us that it is doing what it can to ensure that none of these abhorrent anti-Semitic interpretations put in these textbooks or in other areas of education will be in any way connected to what we do in terms of our funding.

**Senator CHANDLER:** Beyond the reports of the textbooks, have you reviewed any of your projects or programs with UNRWA since you became aware of that issue?

**Mr Jadwat:** I'd have to take that on notice. My understanding is that, as I mentioned earlier, our post in Ramallah has made regular representations on these sorts of issues surrounding neutrality and also in relation to textbooks.

**Senator CHANDLER:** I hope that in a situation where we have this UN Watch report and since then in effect we've doubled our funding, the department is doing due diligence to ensure that funding isn't going towards the very issue at the least that's been identified in that report, or that issue isn't more widespread and that the support we're providing might inadvertently end up promoting that sort of heinous material?

**Mr Jadwat:** We are doing a strategic review of our aid program to the Palestinian Territories, and that is in the process of being worked through at the moment. As I said earlier, Australia assesses UNRWA's performance yearly and will continue to do that.

**Senator CHANDLER:** Can I ask a silly question? It seems a bit odd to me that you'd review your funding in a situation where you've just doubled it to a certain organisation?

**Mr Jadwat:** What I mean is we're reviewing our funding to the Palestinian Territories in total in terms of how the program works to look at it in totality.



**Senator CHANDLER:** At the same time as doubling funding to an individual organisation that's operating in that area? That just seems a little strange to me; that you'd conduct the review after that fact. Surely you would conduct the review and then decide whether or not you're going to double funding to an organisation or give that to others or whatever it might be?

**Mr Jadwat:** I can reiterate that we are looking at the program and we want to make sure it provides the best service delivery to the Palestinian people, those who need it the most. UNRWA at the moment, as I said, is the only major service provider that operates in the territories, and we can't for a variety of reasons provide funding to some NGOs, for example, in Gaza because of the impact that could have in relation to Hamas. We are doing the best we can to make sure the aid gets to the people who need it the most and we are working with governance mechanisms to ensure that our funding goes to the right people.

**CHAIR:** Senator Birmingham, you have the call.

**Senator BIRMINGHAM:** Has the government engaged in any consultations with other parties regarding recognition of the Palestinian State?

**Mr Jadwat:** Sorry? Are we in consultation about recognition of the Palestinian state with other countries?

**Senator BIRMINGHAM:** With other countries or other parties generally?

**Mr Jadwat:** Not that I'm aware of, no.

**Senator BIRMINGHAM:** Has the government prepared any materials for any possible decision by government to recognise the Palestinian state?

**Mr Jadwat:** No.

**Senator BIRMINGHAM:** Minister, would the Labor Party National Conference result in any change towards the government's approach in the recognition of the Palestinian State?

**Senator Farrell:** I wouldn't dare predict what an ALP National Conference might do.

**Senator BIRMINGHAM:** A great powerbroker like you, Senator Farrell, surely?

**Senator Farrell:** You shouldn't believe all my publicity.

**Senator BIRMINGHAM:** Let's see what happens in August.

**Senator Farrell:** There are people here who might be a bit closer to it these days than I am, but I'm not aware of any serious proposals to change the current policy.

**Senator BIRMINGHAM:** I'll try to move through a few things quickly. I think our Greens colleagues covered most consular matters but I did just want to check on the cases of Cheng Lei and Dr Yang in particular. Can I again thank officials in government for other briefings provided outside of this forum in relation to a number of different consular cases and sensitivities in relation to those. But in relation to these two cases, last month both had sentencing deadlines pass. Was there any update following the passing of those deadlines?

**Mr Gerard:** Yes. I believe it was in April those deadlines were extended again, both for Cheng Lei and for Dr Yang Hengjun. For Cheng Lei the latest deadline for verdict is 19 July, and for Dr Yang the latest deadline for a verdict is 9 July.

**Senator BIRMINGHAM:** Is there a sense that any progress is being made or is there any greater expectation that the next deadlines could be met in terms of providing certainty or progress? Or do we continue to find ourselves in the same period of uncertainty as unfortunately Ms Cheng Lei and Dr Young have in the leadup to every other deadline that has come and gone?

**Mr Gerard:** We continue to press the cases of those two Australians with the government of China, and we'll continue to do that. Under Chinese law those dates can be shifted by three months, and they can be extended indefinitely with approval from the Chinese Supreme People's Court. We keep making those representations at senior levels, both in Beijing and here in Canberra.

**Senator BIRMINGHAM:** I appreciate that and acknowledge that effort at all levels. Obviously, the continued deferral of a date and the continued uncertainty is as unacceptable to all as I know it is to the Australian government and particularly the uncertainty that is created. At the last hearing you advised there had been consular visits to both Ms Cheng and Dr Yang in January and that you were expecting further visits. Can you provide an update in terms of consular access?

**Mr Gerard:** Yes. We have continued to visit both of those clients on a monthly basis. The most recent visit was earlier this week, on 30 May, to both of those Australians.

**Senator BIRMINGHAM:** Your expectation is those visits should be able to continue?

**Mr Gerard:** Yes, that's our expectation.

**Senator BIRMINGHAM:** How concerned are you by reports from China that on 15 May a US citizen and permanent Hong Kong resident was sentenced to life in prison on espionage charges? Does that create any greater sense of risk in terms of the timing or nature of sentencing and approaches in these cases, or is it unclear as to whether there is any particular implication?

**Ms Adams:** I don't think we make any necessary connection. We focus on our Australians and take every opportunity to advocate on their behalf.

**Senator BIRMINGHAM:** Espionage cases—whilst obviously there's a lack of transparency in relation to the specific charges and the hearings or the processes around Ms Cheng and Dr Yang, it is the case that they overlap in terms of national security issues? Does that type of outcome for a US citizen in this case provide any further cause to step up our own advocacy and efforts in terms of both certainty and the avoidance of seriously detrimental outcomes such as that one?

**Ms Adams:** In the interests of our two Australians I'm not going to make any further comments about another case. We already take absolutely every opportunity to advocate on their behalf.

**Senator BIRMINGHAM:** I appreciate that. As I indicated, I know a range of other consular matters have been covered during the course of the day. More were covered in some of our briefings. If anything has been missed I'll seek to pursue that on notice. Again, we've covered a number of sanctions and related matters to some extent today. There are more that we'll probably put on notice. I have a more generic question, though. We saw failure over the last 12 months at one point by the Department of Home Affairs to renew a legislative instrument and the required legal authority for offshore processing on Nauru. Has the Department of Foreign Affairs undertaken an audit of its sunseting legislative instruments?

**Ms Adams:** Yes, I have been assured by my legal advisors that we have all of those matters under close observation.

**Senator BIRMINGHAM:** So, all instruments that should have been renewed have been renewed?

**Ms Adams:** That's my understanding.

**Senator BIRMINGHAM:** And were renewed before their expiration?

**Ms McKenna:** Yes, that's correct.

**Senator BIRMINGHAM:** That's correct? So, all sunseting legislative instruments across the department were renewed if they required renewing before their expiration?

**Ms McKenna:** I'm trying to find further information. I'm not aware of any instance in which DFAT has missed a sunseting or a legislative instrument, and certainly not in the past 12 months.

**Senator BIRMINGHAM:** If we have anything further, we will put it on notice or come back to you. Can I ask about the New Colombo Plan. There, as with a number of changes in the PBS—and we haven't had a chance today to go through all of them—there were some changes in the wording of programs and their outcome and KPI descriptions. What was the rationale for the newly worded performance measures in relation to the New Colombo Plan at program 1.5?

**Mr Griffiths:** I'll just find my brief on that. I can't answer your question specifically in relation to the New Colombo Plan. What I can say is we're strengthening our approach to performance reporting, which really is developing a clearer and more rigorous performance framework that better captures our outcomes. The New Colombo Plan outcome you mentioned is one of a number of reductions. We had, I think, 25 key activities. That reduced to six. We had 30 performance measures. That reduced to 13, and a number of performance results reduced. The idea is that it produces a more rigorous system that focuses more on DFAT's key outcomes and is more measurable. It's something that has been negotiated or we consulted with a number of other government departments and with our audit and risk committee in the process of developing it.

**Senator BIRMINGHAM:** Are there any changes to the conduct of New Colombo Plan?

**Mr Griffiths:** I don't believe so. I'll have to take that on notice for you.

**Ms Adams:** No, there are not.

**Senator BIRMINGHAM:** We have further questions on New Colombo. I will also put those on notice. Can I quickly turn to international candidacies. What international candidacies in multilateral institutions is Australia actively engaged in campaigns on at present?

**Ms Smith:** The current range of candidacies that have the highest profile are Judge Hilary Charlesworth's campaign for re-election to the International Court of Justice for the period 2024–2033, and Australia's campaign

for re-election to the International Maritime Organisation Council for the period 2024 and 2025, and Australia's campaign for election to the UN Security Council for the term 2029-30.

**Senator BIRMINGHAM:** Thank you. It's helpful to get those on the record. There is one last question, which is in terms of Australia's intention still to seek a seat on the UN Security Council for 2029-30. What other countries are campaigning for a seat for that term?

**Ms Smith:** In terms of the Western European Others Group, where there are two seats available, it's Finland and us. I have to confess that I don't have the full list of all the other regional states with me. I'd have to take that on notice.

**Senator BIRMINGHAM:** But in terms of the group that we would secure a seat from where there are two positions at this stage, there are two candidates?

**Ms Smith:** That's correct.

**Senator BIRMINGHAM:** When is that seat determined?

**Ms Smith:** The election is June 2028.

**Senator BIRMINGHAM:** So, much closer to the time?

**Ms Smith:** Yes.

**Senator BIRMINGHAM:** And up until when can other countries choose to enter that race?

**Ms Smith:** Technically in the room on the day of the vote.

**Senator BIRMINGHAM:** It's probably not a winning strategy. At least you've got Senator Farrell's numbers behind you. Again, I can pose other questions around that campaign on notice or for another day, Chair, to keep you happy.

**CHAIR:** I thank all senators today. That does conclude today's hearing. It's been a pleasure to have the Department of Foreign Affairs before us today. We will have the Department of Trade tomorrow. It is requested that senators submit written questions on notice by 16 June to allow sufficient time for answers. The committee has set 14 July this year as the date for the return of answers to questions taken on notice. I want to thank Senator Farrell and Senator Malarndirri McCarthy. Again, I want to pass on, on behalf of the committee, our best wishes to Senator Wong and her family during this very tough time. Thank you to Hansard, Broadcasting and the secretariat. The committee stands adjourned.

**Committee adjourned at 21:37**