



COMMONWEALTH OF AUSTRALIA

# Proof Committee Hansard

## SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION  
COMMITTEE

**Estimates**

(Public)

THURSDAY, 26 OCTOBER 2023

CANBERRA

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

**Thursday, 26 October 2023**

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

## FOREIGN AFFAIRS AND TRADE PORTFOLIO

### In Attendance

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

Senator Wong, Minister for Foreign Affairs

### Secretary

Ms Jan Adams

### Deputy Secretaries

Mr James Baxter, Acting Deputy Secretary, Trade and Investment Group

Ms Elly Lawson, Deputy Secretary, Strategic Planning and Coordination Group

Ms Michelle Chan, Deputy Secretary, South and Southeast Asia Group

Ms Elizabeth Peak, Head of the Office of the Pacific, Office of the Pacific

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

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

Ms Clare Walsh, Chief Operating Officer, Enabling Services Group

### Trade and Investment Group

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

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

Mr John Larkin, Assistant Secretary, APEC and Latin America Branch

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

Mr Richard Emmerson-Elliott, Acting Chief Negotiator, Australia-India Comprehensive Economic Cooperation Agreement

Mr Kim Debenham, Acting First Assistant Secretary, Office of Global Trade Negotiations

### Strategic Planning and Coordination Group

Mr Michael Growder, First Assistant Secretary, Strategic Communications Division

Mr Daniel Sloper, First Assistant Secretary, East Asia Division

Mr Derek Yip, Assistant Secretary, East Asia Political Branch

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

Dr Peter Sawczak, First Assistant Secretary, Geostrategy and Partnerships Division

Ms Sarah deZoeten, First Assistant Secretary, Defence and National Security Policy Division

### South and Southeast Asia Group

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

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

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

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

### Office of the Pacific

Mr Jamie Isbister, First Assistant Secretary, Strategic Infrastructure Division; Deputy Head of the Office of the Pacific

Ms Jan Hutton, Special Adviser, Pacific Partnerships Unit

Ms Kate Logan, First Assistant Secretary, Pacific Strategy Division

Ms Danielle Heinecke, First Assistant Secretary, Pacific Melanesia Division

Ms Natalie Cohen, First Assistant Secretary, Pacific Integration and Economic Division

Mr Mat Kimberley, First Assistant Secretary, Polynesia, Micronesia and Development Division

Ms Carli Shillito, Assistant Secretary, Pacific Labour Policy and Engagement Branch

### Development, Multilateral and Europe Group

Ms Natasha Smith, First Assistant Secretary, Multilateral Policy, First Nations 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

Ms Kristin Tilley, Ambassador for Climate Change

Dr Lucas de Toca, First Assistant Secretary, Global Health Division

Mr Chris Cannan, First Assistant Secretary, Europe Division

#### **International Security, Legal and Consular Group**

Ms Marie-Charlotte McKenna, Acting Chief Counsel, Legal Division

Ms Julie Heckscher, First Assistant Secretary, Regulatory and Legal Policy Division

Ms Ciara Spencer, First Assistant Secretary, Consular and Crisis Management Division

Mr Ian Gerard, Assistant Secretary, Consular and Crisis Management Division

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

Mr Richard Sadlier, First Assistant Secretary, International Security Division

Mr Richard Feakes, Ambassador for Counter-Terrorism

Mr Brendan Dowling, Ambassador for Cyber Affairs and Critical Technology

Ms Lynn Bell, Ambassador to Counter Modern Slavery, People Smuggling and Human Trafficking

Ms Vanessa Wood, Ambassador for Arms Control and Counter-Proliferation

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

Ms Lucelle Veneros, Executive Director, Australian Passport Office

#### **Enabling Services Group**

Mr Brad Medland, Chief Finance Officer, Finance Division

Mr Simon Johnstone, Assistant Secretary, Diplomatic Security Division

Ms Suzanne Pitson, Executive Director, Overseas Property Office

Ms Kate Duff, First Assistant Secretary, Capability Taskforce

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

Ms Belinda Casson, Chief People Officer, People Division

Mr Paul Griffiths, First Assistant Secretary, Executive Division

Ms Samantha Montenegro, Chief Auditor, Internal Audit Branch

Ms Sophia Knight, Acting Chief of Protocol, Protocol and Events Branch

#### **Export Finance Australia**

Mr John Hopkins, Managing Director and Chief Executive Officer

Ms Sonia Kammel, Chief Financial Officer

Ms Amanda Copping, Chief Investment Officer

Mr John Pacey, Chief Credit Officer

Mr Nic Frankham, Chief Corporate Affairs Officer

Ms Katherine Stevens, Deputy General Counsel, Enterprise; and Board Secretary

#### **Australian Trade and Investment Commission**

Mr Xavier Simonet, Chief Executive Officer

Ms Philippa King, Deputy Chief Executive Officer, Policy and Programs

Mr Daniel Boyer, Deputy Chief Executive Officer, Trade and Investment

Ms Samantha Palmer, General Manager, Visitor Economy and Client Programs

Mr Sam Guthrie, General Manager, Government and Policy

Mr Jay Meek, General Manager, Trade

Mr Peter Horn, General Manager, Investment  
Ms Jessica Hamilton, General Manager, Communications and Marketing  
Mr Matthew Johnson, Chief Economist  
Mr Grant Ferres, Head, Tourism Research Australia  
Mr Ben Wyers, Chief People Officer  
Ms Melissa Woodburn, Chief Operating Officer  
Mr Martin Mane, General Manager, Digital and Technology Services

#### **Simplified Trade System Taskforce**

Dr Paul Hubbard, Acting Head of Taskforce  
Mr Daniel Curtis, Head of Strategic Policy and Regulatory Reform  
Ms Julia Wells, Head of Digital, Data and Design  
Ms Nicole Henry, Head of Business Engagement and Program Management

#### **Tourism Australia**

Ms Phillipa Harrison, Managing Director  
Mr Bede Fennell, Executive General Manager, Corporate Affairs  
Mr Mark Craig, Executive General Manager, Corporate Services  
Mr Brett Nolan, Head of Procurement

#### **Committee met at 09:01**

**CHAIR (Senator Ciccone):** Good morning, everyone. I declare open this meeting of the Senate Foreign Affairs, Defence and Trade Legislation Committee. The Senate has referred to the committee the particulars of proposed expenditure for 2023-24 and related documents for the Foreign Affairs and Trade portfolio and the Defence portfolio. The committee may also examine the annual reports of the departments and agencies appearing before it. The committee has set 15 December 2023 as the date for the return of answers to questions taken on notice. The committee has also set 2 November 2023 as the deadline for senators to submit written questions on notice.

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 to a committee.

A Senate resolution in 1999 endorsed the following test of relevance of questions at estimates hearings. Any questions going to the operations or financial positions of the departments and agencies which are seeking funds in the estimates are relevant questions for the purpose of estimates hearings. I further remind officers that the Senate has resolved 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 matters of policy and shall be given reasonable opportunity to refer questions asked to superior officers or to a minister. This resolution prohibits any questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policy or factual questions about when and how policies were adopted.

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

*The extract read as follows—*

#### **Public interest immunity claims**

That the Senate—

(a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;

(b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;

(c) orders that the following operate as an order of continuing effect:

(1) If:

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

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

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

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

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

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

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

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

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

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

*(13 May 2009 J.1941)*

(Extract, Senate Standing Orders)

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

I remind all senators that as we continue our work implementing the *Set the standard* report, as chair I'll ensure the proceedings are conducted in an orderly, respectful and courteous way. I ask members of the media to follow the established media guidelines and instructions of the committee secretariat. As set out in the guidelines, senators and witnesses laptops, mobile phones and other devices and personal papers are not to be filmed or photographed. I remind everyone in the gallery they are not permitted to speak or interfere with the proceedings or with witnesses at any point during the hearing.

Witnesses and senators who are seeking to table documents during the committee hearing are requested to provide an electronic copy of those documents to the secretariat so they can be easily circulated during the hearing. Please liaise with the secretariat if you need any assistance.

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

[09:05]

**CHAIR:** Today's committee proceedings will commence with representatives from the Department of Foreign Affairs and Trade. I welcome Minister Senator the Hon. Penny Wong and the secretary of the Department of Foreign Affairs and Trade, Ms Adams. Good morning. Do either of you wish to make an opening statement?

**Senator Wong:** Yes, I think we both have a brief opening statement.

**CHAIR:** Thank you, Minister. You have the call.

**Senator Wong:** Thank you, Chair. I thought it would be appropriate to begin by updating the committee on the Australian government's response to the crisis in the Middle East. I acknowledge the cooperation of the committee in agreeing that our officials who are dealing with that crisis will attend today for a limited period of time. Obviously I don't consider this statement to be part of that time.

The Australian government has three core responsibilities in this crisis. One is to do all we can to keep Australia unified, to keep our social cohesion, and to make sure, as part of that, that the community feels heard. Senators may have heard my opening statement at Prime Minister and Cabinet estimates on Monday and further discussion on social cohesion in Home Affairs estimates.

There are two core Australian government responsibilities in my portfolio. The first is to support Australians who wish to leave to do so, and I want to thank all from my department, both in Canberra and at our overseas posts. I want to thank the Australian Defence Force and the airlines who have been part of this effort. We have coordinated and assisted more than 600 Australians seeking to leave Israel and the Occupied Palestinian Territories. We continue to assist Australians who want to leave Israel and the Occupied Palestinian Territories.

We are supporting Australians in the West Bank on departure options, such as transport to Jordan with our international partners, and accommodation. We are in contact with 79 individuals who are seeking to leave Gaza. We are deeply distressed that international efforts to secure civilian passage out of Gaza, efforts Australia has engaged in and is actively supporting, are yet to be successful. DFAT continues to advise do not travel to Lebanon due to the volatile security situation and the risk of the security situation deteriorating further.

These points bring me to the second core Australian government responsibility in my portfolio, and that is to work with other countries who share our goal of containing this conflict, of seeing an enduring peace in the Middle East grounded in a two-state solution where Israelis and Palestinians can live securely behind internationally recognised borders. Australia has unequivocally condemned the attacks on Israel by Hamas, targeting and murder of civilians, including women and children, taking of hostages and indiscriminate rocket fire. We continue to call for the immediate and unconditional release of all hostages.

We stand with Israel and recognise its inherent right to defend itself. We mourn the devastating loss of Israeli and Palestinian life. We mourn with Jewish communities in Australia. And, knowing that more Jews were killed in this attack than in any single day since the Holocaust, we all understand how it brings back that trauma. We mourn with Palestinian communities in Australia who have lost thousands of their kin and who fear for loved ones in the dire humanitarian situation. And we condemn Hamas, a terrorist organisation that does not represent the Palestinian people and undermines the legitimate aspirations of the Palestinian people.

The humanitarian situation in Gaza is dire and human suffering is widespread. Australia has consistently called for the protection of civilian life. We have announced now \$25 million in humanitarian assistance. We have consistently called for safe, unimpeded and sustained humanitarian access and safe passage for civilians. There has been some access in recent days, but it is nowhere near enough. We call for humanitarian pauses on hostilities so food, water, medicine and other essential assistance can reach people in desperate need and so civilians can get to safety. And we note that many of our closest partners have now made similar calls.

The way Israel exercises its right to defend itself matters. It matters to civilians throughout the region and it matters to Israel's ongoing security. Innocent Palestinian civilians should not suffer because of the outrages perpetrated by Hamas. The hopes for peace and security for Israelis and Palestinians will recede even further if today's generations are motivated by grief and resentment resulting from this crisis. This is one of Hamas's objectives. We cannot let them succeed. Rather, the international community must work together to chart a path out of this crisis towards a political process.

That political process must end in a just and enduring peace in the form of a two-state solution, where Israelis and Palestinians can live securely behind internationally recognised borders. These will need to see all sides respect the right of the other to exist, and it must see the removal of the terrorist group Hamas. It must deliver the legitimate aspirations of Palestinians for statehood. Advancing the cause for peace, as always, requires leadership, understanding and courage. These are, of course, among the many critical discussions the Prime Minister is having with President Biden in Washington this week.

Understandably, the situation in the Middle East is the focus of much of the public discussion of Australia's international relations at the moment. But the broader effort also continues in advancing our interests in shaping a region which is stable, peaceful and prosperous, that is respectful of sovereignty and I look forward to discussing how the Albanese government is advancing those interests with the committee today. Thank you, Chair.

**CHAIR:** Thanks a lot, Minister. Ms Adams, do you have an opening statement?

**Ms Adams:** Thank you, Chair. Senators, thank you for your indulgence. I'd like to take a few minutes to outline the steps that DFAT has taken, particularly on consular matters, since the horrendous Hamas terrorist attacks of 7 October. Under the Australian Government Crisis Management Framework, DFAT leads the whole-of-government response to overseas crises. We've been operating in 24/7 shifts and we've surged more than 450 staff into crisis related roles, drawing from all parts of the department.

Our assistance to Australians began on 7 October when DFAT's consular emergency centre began to respond to calls from distressed Australians and concerned family and friends. On 8 October, we activated DFAT's crisis cadre—that's our group of experts pretrained in all aspects of crisis management. We also stood up the crisis centre. It's the physical location from where we coordinate a whole-of-government response to the broader consular, strategic and humanitarian issues spilling out of the conflict. And we have convened almost daily interdepartmental emergency task force meetings. We've been focused on confirming the safety and security of Australians affected by the crisis and to assist their departure from the conflict zone. I have also been, of course, very focused on the safety of our staff and their families in the region, including our locally engaged staff.

To keep the Australian public informed, we started updating our Smart Traveller advice, pushing this through social media and responding to a growing volume of media inquiries. It was clear that we would need to scale up further our support to Australians and we set in train a global staff surge, including sending staff to key diplomatic missions abroad and major international transport hubs. This included sending almost 40 staff into Israel and surrounding areas. We worked with ministers on evacuation options for affected Australians, communicating with our RAAF colleagues and numerous commercial airlines. Looking back, almost three weeks into this crisis, as at 5 pm yesterday, we had coordinated eight Australian assisted flights from Israel. At least 1,905 Australians, permanent residents and their families registered with DFAT had left Israel and the Occupied Palestinian Territories, and we had coordinated and assisted more than 600 of those departures. We have also helped evacuate 259 citizens of other nations, such as Fiji, Samoa, Solomon Islands, Vanuatu and Papua New Guinea. We are currently providing consular assistance to 137 Australians and their families, including seven individuals in Israel, 51 in the West Bank and 79 in Gaza.

Large numbers of DFAT staff have handled many thousands of public inquiries around the clock and turned this into information our people on the ground can use to support the consular effort. The Australian government has announced, as the minister has said, \$25 million in total, so far, in humanitarian assistance through the International Committee of the Red Cross and UN relief agencies.

Tragically, as the committee knows, one Australian was killed in the attacks. Our thoughts and sympathies are with their family and friends and any other Australian families who have been deeply affected by the impacts of the conflict. I know many Australians are concerned for the safety and security of their loved ones in Gaza. I want to assure you that DFAT are keeping in close contact and are doing what we can assist their departure from the conflict zone. As you know, no foreign nationals have yet been able to leave Gaza other than the small number of hostages released. We're working with the governments of Israel and Egypt to advocate and prepare, through our embassies, for their eventual departure.

I would also like to assure Australians with families in Lebanon that we are also focused on contingencies there. Our advice is, 'Do not travel to Lebanon,' and that those Australians there should leave. While we are preparing for all contingencies, our ability to assist will depend very much on the situation on the ground.

Finally, I would like to thank our partners and staff for this enormous ongoing effort in the service of Australians. We couldn't have done this without the broader Public Service colleagues, including from Services Australia and Home Affairs. I think the committee heard the testimony of Chief of the Defence Force General Campbell yesterday on the ADF commitment, and I thank him and the Department of Defence for the excellent collaboration, including stationing personnel and aircraft in the region for civilian contingencies.

Staff at posts in Tel Aviv, Ramallah, Beirut and Cairo, among others, have continued to deliver professionally in the most difficult of environments, including our local staff. I would like to thank all those staff who have volunteered to deploy to the region. I've been so proud to see many colleagues stand up to do what it takes to get Australians and their families to safety, while supporting the foreign minister and other ministers in their policy roles.

In closing, I too add my thanks to the committee for its understanding on dealing with matters involving officials leading the crisis centre in the next few hours—that means the Middle East officials and consular—and enabling them to get back to this important work that we're currently engaged in.



**CHAIR:** Thank you for that, Secretary. I'll remind senators too, as the secretary mentioned, the officials will be here for about two hours. If there are any other questions, we'll try and manage that throughout the course of the day. Senator Birmingham, you have the call.

**Senator BIRMINGHAM:** Can I acknowledge those opening statements and the extent to which so many people continue to be haunted by the horrors of 7 October, particularly people across Israel and Jewish communities right around the world and in Australia, and of course traumatised by the ongoing loss of innocent lives that has occurred across Israel, and those innocent Palestinian lives that have been lost as well, and the trauma that is causing in many parts of the world.

We stand by the parliamentary motion that was passed and acknowledge the work to achieve a bipartisan position in relation to that parliamentary motion. I also acknowledge the three points you made, Minister, in relation to the importance of social cohesion, of containing conflict and of supporting Australians. We would also highlight the importance of ultimately defeating terrorism. I want to thank DFAT officials. Ms Adams, you've acknowledged the wider work across the APS and acknowledged those who are working long hours and doing so to support Australians and Australian interests.

In acknowledging we have a tight time frame this morning, we'll try to move through questions as quickly as we can and hope that we can also keep answers, in what are complex areas, as tight as we can. Can I firstly seek any update to the Prime Minister's engagement with counterparts. We went through some of that when PM&C appeared and I don't need to hear a repeat of what was said there. Has a discussion been scheduled with Prime Minister Netanyahu and are there other updates, aside from the obvious one in terms of the Prime Minister's engagement with President Biden on these matters?

**Mr Maclachlan:** We are continuing discussions to find an alignment of time to enable a call to happen, and we're confident that hopefully that will happen in the next little while.

**Senator BIRMINGHAM:** So it hasn't been scheduled yet, but you are hopeful it will be in the next little while. I appreciate that. Before I ask the next question, I trust we're getting copies of the opening statements, particularly the secretary's, because it contains data that might avoid other questions needing to be asked. Can I get a summary of the minister's engagement with her counterparts. Since 7 October who has Minister Wong been able to speak to and engage with—in terms of her Israeli counterpart obviously, but also across the region and with allies and partners—on these key issues?

**Mr Maclachlan:** I'll ask my colleague Mr Jadwat to detail this.

**Mr Jadwat:** Since 7 October Foreign Minister Wong has spoken to a wide number of counterparts throughout the region. She has spoken to the foreign minister of Israel and Jordan and the Palestinian Authority's foreign minister. She's also spoken to the Israeli ambassador, the Egyptian ambassador, the foreign ministers of the UAE, Lebanon, the United Kingdom, South Korea and Japan, and the UN Special Coordinator for the Middle East Peace Process. She met with the Arab Group ambassadors. She had another call with Israel and also with Iran and Brazil, and the high commissioner of the United Kingdom. Assistant Foreign Minister Watts has also spoken to counterparts in Oman, Qatar, Iraq and Morocco.

**Senator BIRMINGHAM:** Thank you for that summary, and I acknowledge, as the parliamentary motion did, the importance of engagement across the Middle East and with Arab nations. That is critical. Minister, you and the government have quite rightly been consistent in the condemnation of Hamas. Does Australia support the clear objective stated by Israel in terms of the removal of Hamas from positions of power within Gaza?

**Senator Wong:** I think I said in my opening statement—and it's reflected in the parliamentary statement—our view about Hamas. Hamas has no place in any future of stability and peace in the Middle East.

**Senator BIRMINGHAM:** Minister, in terms of how that is achieved, obviously that is the great difficulty and sensitivity that Israel in particular is trying to navigate at present, in terms of how to remove them from a position of power or influence, especially over Israel, but to do so whilst minimising humanitarian losses and loss of innocent lives. What is the Australian message and engagement with Israel in relation to our support for their efforts but also how to balance those issues?

**Senator Wong:** You would have seen the many statements we have made, from my first public statement, to the bipartisan motion, to my most recent message in our call for humanitarian pauses. The principal position we take is Hamas was engaged in a brutal terror attack. We believe Hamas is a terrorist organisation that does not represent the aspirations of the Palestinian people. We have acknowledged Israel's right—in fact, obligation—to defend itself in the face of such attacks. We have consistently called for the protection of civilian lives and the observance of international law.

**Senator BIRMINGHAM:** What engagement, if any, has Australia had with the Palestinian Authority in the time since 7 October?

**Mr Jadwat:** Foreign Minister Wong spoke to the foreign minister of the Palestinian Authority, Foreign Minister al-Maliki, on 10 October and also in a meeting with the Council of Arab Ambassadors here. Foreign Minister Wong of course met with the head of the general Palestinian delegation here, Mr Izzat Abdulhadi. I've also spoken to him in an official capacity as well.

**Senator BIRMINGHAM:** Were those calls initiated by Australia?

**Mr Jadwat:** Yes. The call, though, by the Arab League ambassadors or the group of Arab ambassadors here in Canberra was initiated by that group.

**Senator BIRMINGHAM:** Australia, as you referenced, has committed some \$25 million worth of humanitarian aid and access to Gaza. How is that aid being delivered?

**Mr Brazier:** Australia has announced so far a total of \$25 million in humanitarian assistance to those affected by the Hamas-Israel conflict. On 14 October, the foreign minister announced an initial humanitarian contribution of \$10 million, of which \$3 million was provided to the Red Cross for the delivery of essential services and medical supplies, \$6 million went to UNICEF for water and sanitation support, and \$1 million was provided to the United Nations operations department to enable humanitarian staff and supplies to have access. This morning the foreign minister announced a second contribution of \$15 million, of which \$2 million will be provided to UNICEF for further water and sanitation support, \$2 million will go to the UN Population Fund for sexual and reproductive health and gender based violence services, \$2 million will go to other UN agencies to preposition essential supplies, and a further \$6 million will go to the Red Cross for food, water and medical care, with a balance of \$3 million set aside to meet emerging needs through those and other partners.

**Senator BIRMINGHAM:** What is Australia's understanding in terms of the status of the ability of humanitarian aid and assistance to reach people in Gaza?

**Mr Brazier:** As you may have seen in media reporting, there have been a number of convoys arranged for supplies to cross the Rafah gate from Egypt into Gaza. We understand that four convoys have passed through the Rafah crossing so far, with at least 62 truckloads of humanitarian supplies.

**Senator BIRMINGHAM:** Is there any progress being made in terms of further flow of humanitarian assistance in any faster way?

**Mr Brazier:** The US, Egypt and others have consistently called, as has the Australian government, for safe and unimpeded access. As I understand it, it's a day-by-day proposition.

**Senator BIRMINGHAM:** The Rafah crossing itself is controlled by Egypt, is it not?

**Mr Maclachlan:** I think, in effect, it's controlled by two sides. As Mr Brazier has alluded to, there have been discussions between the parties he mentioned to try to open Rafah to humanitarian supplies and, indeed, to enable foreign citizens to exit. These are difficult negotiations, as you might imagine. Some parties want to be assured that what's going in is purely for humanitarian purpose and not to aid Hamas, yet clearly the need is there. We understand that ordinarily there would be 400 trucks a day going through that border. You can imagine that, in the circumstance where we've had a little over 50 in the past 72 hours, or slightly longer, that is not going to really address, in full, the humanitarian need that's clearly building.

**Senator Wong:** If I may, the humanitarian access—that is, the Rafah crossing being open to enable the delivery of humanitarian aid and the utilisation of Rafah for the safe passage of foreign nationals, including Australians—has been one of the primary foci of my engagement with counterparts, ambassadors and the UN officials that Mr Jadwat outlined. It's been proving very difficult. There are obviously many parties to this: Egypt, Israel and others. There have been many attempts and many occasions where there was hope that the next day, the next morning, the border crossing would be opened. It was pleasing that, finally, in the last three days, I think—I stand to be corrected—there was some access, but there were quite a number of days where there was a lot of hope but, unfortunately, there was no ability to have the crossing opened. I don't know if Mr Maclachlan or Ms Delaney wants to add anything.

**Ms Delaney:** The minister is right. In terms of the ability for convoys to get in, the first convoy, based on UN reporting, was on 21 October. There have been stop-starts since then. I think the expectation and the hope was that we would start seeing more trucks get through that Rafah crossing, but it's proving difficult. We do know that, of those who have been able to get through, the supplies have been received by the Palestinian Red Crescent and are being transferred to UN warehouses in Gaza for distribution.

**Senator BIRMINGHAM:** Mr Maclachlan alluded to my next question. How is Australia assuring itself that the assistance it is providing is reaching those who genuinely need it, innocent Palestinian civilians, and not able to be intercepted or used by Hamas?

**Ms Delaney:** In relation to the first package that ministers announced, on 14 October, our partners were actually already established and operational within the Occupied Palestinian Territories, including Gaza. We're using prepositioned supplies and support, and that's where we were targeting our initial work. They were able to then immediately respond by delivering supplies. The latest reporting that I have is that, for example, the contribution through the International Committee of the Red Cross enabled them to dispatch medical supplies such as beds, stretchers and, sadly, body bags for hospitals in Gaza. They were also able to support the installation of 25 water storage tanks within Gaza. In addition, the information I have in relation to our contribution through UNICEF is that they have also been able to provide support for the operation of desalination and wastewater treatment plants at that time and during the course of the past week or so, and that's enabled water to continue to flow to around 800,000 people, half of which were children. We were able to give that indication for that first package. In relation to the package that's recently been announced, we're obviously working with UN partners on needs and what is possible and able to be delivered. We're very aware of the constraints associated with supplies being able to be delivered at this point.

**Senator BIRMINGHAM:** Just to that point, some of the international development agencies I've spoken with have talked about the abilities of some, relative to others, to reach across Gaza in terms of how their networks are established. With regard to the partners we are working with, what is their scope and reach?

**Ms Delaney:** As you point out, scope and reach are very challenging in the current context. It's quite a fluid environment, but we are very confident with the partners that we are working with. They're well established. We have established partnerships with them, and we have very strong frameworks in place and robust systems in order to assure ourselves that when we're providing support through those partners—through the Red Cross and through those UN partners—it's able to reach those that need it.

**Senator BIRMINGHAM:** Mr Brazier, in the breakdown of where today's funding announcement is going to, you did at one stage say 'other UN agencies'. Are you able to specify who they are?

**Ms Delaney:** We're still working through the detail of the additional UN partners. Part of the issue is ensuring that we are preparing for any impacts, as the minister mentioned in opening remarks, in terms of either flow-ons impacting existing populations within the region or what might be needed in the context of that particular border crossing and support, for example, in Egypt.

**Senator BIRMINGHAM:** In terms of Australia's discussions and engagement with Israel, what support, if any, has Israel requested of Australia?

**Mr Jadwat:** Are you asking specifically about military support, or are you asking about diplomatic support?

**Senator BIRMINGHAM:** I am asking about diplomatic, military or other assistance that could include humanitarian support.

**Mr Jadwat:** We haven't received any requests for military support. In relation to diplomatic support, we've had regular engagements with the Israeli embassy here and also with the foreign ministry in Israel. They, of course, have asked us for support in relation to condemning the atrocities of 7 October and also in looking at what can be done to take action against Hamas and to better understand the dangers and the implications of what Hamas was able to do and the potential spillover in the region.

**Mr Maclachlan:** I might add to Mr Jadwat's answer. As you would be aware, the Ambassador of the State of Israel addressed the National Press Club yesterday. When asked about this, he noted, 'The clear message of Prime Minister Albanese, Ms Wong, the DPM and so many other political leaders were the messages of support that the State of Israel was looking for.'

**Senator BIRMINGHAM:** In terms of action against Hamas: beyond Australia's position of condemnation and of support for Hamas to be removed from positions of influence, has Israel asked for any other action, or suggested any other action, that Australia could take in diplomatic or non-military activities?

**Mr Maclachlan:** Senator, as you know, Australia has a very strong stand against Hamas. It's listed as a terrorist organisation and we have sanctioned individuals. I don't have it right in front of me, but I can get that for you. And we continue to look at what other action we might be able to take to address the challenge that Hamas poses—the threat that Hamas poses.

**Senator BIRMINGHAM:** I have noted that the United States has imposed further sanctions on key Hamas terrorist group members, operatives and financial facilitators in the period since 7 October. Is there a reason why Australia has not, or is this action being considered?

**Mr Maclachlan:** You'll appreciate that we don't normally telegraph those who we're going to sanction in detail. We're aware of the US measures and we're studying the US measures. Of course, we have different legal bases for action, but we're looking at it very closely.

**Senator Wong:** Excuse me, I'll just add something—and I'm sure officials will confirm if I have this right. We had already imposed counterterrorism-financing sanctions against Hamas and Palestinian Islamic Jihad, as well as a further six entities and three persons with links to Hamas. These sanctions included asset-freeze provisions. I would also emphasise that, as listed terrorist organisations under the Criminal Code, it is an offence for Australians to acquire funds for, from or to provide to Hamas and the PIJ.

**Senator BIRMINGHAM:** Thank you. Coalition senators may come back with some further sanctions-related questions. I might now shift to Australians in the conflict region. We don't yet have the secretary's opening statement, but perhaps we can get an initial understanding of how many Australians are understood to be in Israel, or Gaza or the West Bank, and in Lebanon?

**Senator Wong:** And in Lebanon, did you say?

**Senator BIRMINGHAM:** Yes.

**Mr Maclachlan:** As a headline figure, there are 10,000 to 12,000 Australians who we think are in Israel and the occupied Palestinian territories at any one time. There is a bit 'rubberyness' in that figure, if you like; there will be short-term visitors and the like. Active registrations of Australians in Israel and the occupied Palestinian territories stands at 1,275, of whom roughly a third—434—are registered for information only.

As the secretary pointed out in her statement, we're providing consular assistance to 137, of whom seven are in Israel, 79 in Gaza and 51 in the West Bank. The total number of registered Australians who have departed Israel stands at 1,930 and the number of Australians and foreign nationals who departed via one of our assisted departure flights was 848, of whom 606 were Australian nationals and 242 were foreign nationals. A large proportion of those foreign nationals were citizens of the Pacific islands. If you'd like a breakdown, I can give you that breakdown, or perhaps my colleague will.

We've assisted 23 Australians to depart the West Bank and, as I indicated earlier, we have 51 remaining there who have registered with us. There could be others who have not registered with us. And we understand that the long-term Australian community in Lebanon is around 15,000. Over the top of that, there would be a large number, thousands I would think, of short-term visitors and the like. Roughly 400 people have registered with us so far—just slightly under 400. But this is an ongoing situation.

**Senator Wong:** Can I add a couple of points? Mr Maclachlan and his team have done an extraordinary job, and I would emphasise that there are different levels of challenge with different cohorts. Obviously, the most deeply, or seriously, concerning situation is in relation to those Australians in Gaza. That was an early focus of my engagement, and it's linked to the Rafah crossing issue that we discussed earlier. For those Australians in or exiting the West Bank, there have obviously been some challenges, given the heightened security situation in Israel. It has meant more security checks. That has been challenging at times but, obviously, it has been worked through.

More broadly, what we anticipated early on, in the first three weeks—it's not a long time, but it's what I'm thinking of as the 'early' part of the crisis—was the availability of commercial options. Mr Maclachlan and his team, and the ADF, have variously arranged assisted departures via commercial and/or chartered aircraft, and also the RAAF flights. I think the cohort in Israel is quite a large cohort; obviously, there's a number of Australian citizens, and many are dual citizens who reside there. And then there are those who register with us—those who may want to leave or who are registered. As Mr Maclachlan said, about a third of them are registered for information only and the remainder are people who are, I suppose, considering leaving. Demand is a lot less now, obviously, and we have indicated no further assisted departures at this stage.

The numbers in Lebanon and the history of 2006 is a much bigger, more challenging proposition. You would have heard me in the Senate, emphasising on a number of occasions that our travel advice is, 'Do not travel to Lebanon, due to the volatile security situation'. You have probably heard me say it, and I will say it again: if you are an Australian in Lebanon, you should consider leaving on the first available commercial departure option, if it is safe to do so. That remains the government's public message to Australians in Lebanon.

**Senator BIRMINGHAM:** Do we have any indication that the message is being heeded?

**Mr Maclachlan:** I think we have every indication that it's not. We're not alone in that experience, either. Obviously, we're co-ordinating our efforts with like-minded and other partners. We have, as the minister outlined, increased our messaging—through the travel advice, in particular, and by going to 'do not travel'. But, frankly, the level of calls that we receive in relation to Lebanon have diminished to very low numbers. At this stage, we have 400 registered. It won't stop there; we will get more registered, but people have not, in the numbers we would like to see, decided to follow our advice and leave. There are many reasons for that. Australians have a long-term connection with family and friends in Lebanon and many are resident there. Many are hoping there's no escalation, and we are working as we outlined through the diplomatic representations to try to avoid an escalation and regional spread of this conflict. But we don't have the luxury in a sense of relying on hope, and we are doing everything we can to plan for a future crisis. But the key message for Australians in Lebanon is to leave now. We cannot be certain, despite all the planning that is underway now, that we will be able to exercise those plans because we cannot simply know at this point what the nature of the security environment will be like at that time.

**Senator BIRMINGHAM:** Thank you, Mr Maclachlan. To give you one extra chance to reinforce some of that messaging, the government yesterday announced repositioning of further aircraft in the Middle East to be able to respond to potential eventualities. However, how would you describe the limitations in relation to Australia's capacity to respond to any or all eventualities?

**Mr Maclachlan:** One way to describe it might be to recount briefly what happened in 2006, which was a consular crisis that I think is seared into the minds of DFAT officers who were involved at the time. Over three weeks we had to move 5,100 Australians, and we also moved a bit over 1,200 foreign nationals using a whole range of means: ferries, planes and overland through Syria. Some of these options are no longer available to us. We simply couldn't, for obvious reasons, move people overland through Syria. Our ability to make use of airfields is an unknown, but we are doing preparations and are not simply reliant on the ADF but broader preparations to enable us to provide those options. Anecdotally we are hearing there are fewer ferries available in the eastern Mediterranean now than there were nearly 20 years ago. These are the constraints.

**Senator Wong:** And the numbers are bigger.

**Mr Maclachlan:** The numbers are bigger.

**Senator Wong:** The options this government would have available to assist Australians are more limited than in 2006, correct?

**Mr Maclachlan:** The options?

**Senator Wong:** Yes, the options are more limited, and the numbers of Australians in Lebanon is larger.

**Senator BIRMINGHAM:** Thank you. I'll bring us back to Gaza. Is Australia aware of any foreign nationals, aside from the very tiny number of hostages who have been released, who have been able to leave Gaza?

**Mr Maclachlan:** No. As I mentioned earlier, there is an ongoing dialogue principally between the US, Egypt and Israel around access through, in both directions, the Rafah crossing. We have, as we've heard, been seeing aid trucks go through. What we have not been able to see are foreign nationals in particular come through that crossing to Egypt. It's difficult. We are engaged, through our embassy in Cairo very directly with the Egyptian system, with the Israeli MFA to ensure that they understand who our people are that we are trying to get out, the 79 citizens and family. But it's a very difficult situation, and like-minded are in the same position. The number is not insignificant.

**Senator BIRMINGHAM:** What is our understanding of why foreign national passport holders are not being allowed to cross into Egypt?

**Mr Maclachlan:** That's a complex issue to truly understand, and one that perhaps I wouldn't necessarily want to explore in an open setting like this. But it is a complex situation, and we are working with the Egyptians and others, as I say, to make sure that they are aware of our need to get these people out as soon as possible.

**Senator BIRMINGHAM:** Beyond those complexities, there are the complexities of family and others of Australian national passport holders. What work is DFAT undertaking to work with other Australian government agencies to secure identification or other assistance they may require so that, when the border is open, they may be able to cross safely as Australian passport holders?

**Mr Maclachlan:** As we do in every crisis—and you will be aware, I think, from evidence I gave last time about our response in Sudan—we work very closely with Home Affairs and the ABF to ensure as quickly as we can that people have visas to enable them to facilitate an exit. Every crisis is different. It's difficult for us to put emergency travel documents in the hands of these families, but we work very closely with Home Affairs to

accelerate that process to ensure that they're in best position to get across the border at the earliest possible moment.

**Senator BIRMINGHAM:** Thank you, Mr Maclachlan.

**CHAIR:** Do we have that opening statement? I know Senator Birmingham has asked a few times. Senator Green.

**Senator GREEN:** I want to ask about the preparation for assisted departure flights. Can you confirm when the Minister for Foreign Affairs directed the department to work on options to assist the departure of Australians who wanted to leave Israel or the occupied Palestinian territories?

**Mr Maclachlan:** Yes. We were working on this from Monday 9 October.

**Senator GREEN:** That was pretty quick. I'm assuming that that direction included consideration of assisted departure flights.

**Mr Maclachlan:** Correct.

**Senator GREEN:** When were the assisted departure flights for Australians seeking to leave first announced?

**Mr Maclachlan:** They were announced on Wednesday 11 October.

**Senator GREEN:** What were the destinations of those first flights, and which airlines were used?

**Mr Maclachlan:** As I mentioned earlier, we took a multitasked approach, ADF flights as well as commercial charters. We had eight flights in total, and the first flight was a Qantas charter from Tel Aviv to London. It was the first of what were planned to be two flights out of Tel Aviv, but Qantas's second flight was unable to be flown. Of the remaining seven flights, two were commercial charters and five were ADF flights, and they were Tel Aviv to Dubai.

**Senator GREEN:** Were passengers required to pay?

**Mr Maclachlan:** No.

**Senator GREEN:** I think you alluded to this in the opening statement: I understand the flights were to multiple destinations. What assistance was provided to Australians once they landed, particularly in the European countries?

**Mr Maclachlan:** In the case of Australians taking the Qantas flight to London, my recollection is Qantas provided accommodation for those Australians and then Qantas also provided a flight from London in cooperation with us via Dubai to Sydney and took passengers who'd gone from Tel Aviv to London and then through Dubai. We picked up more passengers there and went on to Sydney.

**Senator GREEN:** How did you work with those host governments like the UAE to ensure Australians and other nationals could get those onward flights?

**Mr Maclachlan:** I might ask my colleague Ms Spencer to detail some of the cooperation.

**Ms Spencer:** We worked very closely with the UAE and the UK, through our posts, and other regional countries in relation to clearances for flights. Despite the work we did, some of the airlines we used didn't have established relationships or established flights into those regions. We worked with those authorities to get the assistance, support and approvals we needed to make that happen, as well as making them aware of our plans for onward travel.

We also got great support, particularly from the United Arab Emirates, in assisting with entry of Pacific island nationals, in particular, who we needed to bring through Dubai who did not necessarily have entry rights, to ensure that we were able to make that happen. I'd also note that, in relation to facilitation in those third countries, we did have medical support provided. Our posts facilitated accommodation and transport arrangements. We also had consular officers on the flights to provide any additional support required.

**Senator GREEN:** How many flights have there been in total?

**Mr Maclachlan:** Eight flights plus the flight from London, and then we had a Qatar flight from Dubai to Sydney. Emirates facilitated a flight and then the final flight was a RAAF KC-30 from Dubai into Perth. I want to acknowledge the work of Qantas and Virgin domestically to help people get from the landing points to their home destinations.

**Senator GREEN:** When was the decision made to no longer offer additional flights?

**Mr Maclachlan:** Throughout the crisis we were tracking the take-up rate of our flights. We had advice regarding it, and I can't quite remember the exact date, but I think it was following the last flight on Thursday 16

October that we determined the demand was not there for further flights, noting that there were other options throughout that time and there continue to be.

**Senator GREEN:** You've stepped through that essentially the demand tapered off, but I assume there are still options for people. Aside from Australian government organised flights, how else are we assisting Australians to depart?

**Mr Maclachlan:** The first thing to note is that Ben Gurion Airport has continued to operate throughout this time, albeit at reduced flight levels and seat availability and hire costs. We are helping people connect with commercial flights. Our partners have also been running flights to ports west of Israel, and they're available for us to use. However, I would note that most of our partners have also ceased those flights now. There's one in particular that we're working with.

**Ms Spencer:** I need to correct the record. The last flight was on 19 October.

**Senator GREEN:** Thank you. Your opening statement ran through the assistance for Pacific nationals. Did the support also include getting them home if they wanted to?

**Mr Maclachlan:** Yes. We assisted 159 Pacific nationals—79 from the Solomons, 18 from Vanuatu, 21 from Samoa, 30 from Fiji and 11 from PNG. I'd like to acknowledge that a Fijian charter flight helped 13 Australians leave the region. We provided support.

**Senator GREEN:** There are obviously people from different regions you're working with. In terms of Australians registered with DFAT who have left Israel or the West Bank since 7 October, how many Australians have we assisted?

**Mr Maclachlan:** We've assisted 1,930 to depart.

**Senator Wong:** We gave the numbers of assisted and departed, but 'assisted departure' has a particular meaning in the department's analysis or data. As you may have experienced—I certainly did and other members of parliament did—there were obviously a lot of calls from Australians in Israel and the Occupied Palestinian Territories at the time. I think demand has tapered off, notwithstanding the number of Australian citizens who are still there. There were those who were either visiting or really wanted to leave, and then there is a cohort, who are often dual citizens, permanent residents et cetera, who wish to stay. I know there were a lot of very stressed Australians with relatives here who were contacting the government. Whilst the airport didn't permanently close and there were some commercial flight options, a lot of commercial options did dry up. I think the American airlines stopped flying quite early. A number of European ones were cancelled. Obviously, people had a number of flights booked. We made the judgement that, notwithstanding that I think El Al was still flying, it was better to get these options and then reduce it to the point where there was very little demand.

**Senator GREEN:** And that reflects the conversation I had with the local community in Cairns.

**Senator Wong:** You might've been one of the people calling my office, saying, 'We've got people.'

**Senator GREEN:** On Friday last week, there wasn't anyone that they knew of that wanted to leave at that stage. I'll leave it there.

**CHAIR:** Senator Steele-John.

**Senator STEELE-JOHN:** In kicking off I would like to echo the thanks of the other members of the committee for the departmental staff's very hard work in the last two weeks. There's no real model for what you've had to do over the last 18 days or so, and I think all of us on the committee would extend a thanks to you for that work. I'd also like to reiterate the statements made by the Greens in the parliament, extending our unequivocal acknowledgment of the horrendous and unjustifiable terrorist attacks by Hamas on 7 October, and I acknowledge the deep grief and pain of the Australian Jewish community in this moment, as they grieve some 1,400 dead as a result of those terror attacks. I would also echo the statements of my party in solidarity with the Australian Palestinian community, who today grieve some 5,000 or more dead in Gaza and the horrendous impacts upon civilians as a result of the policy response of the Netanyahu government.

Before I go any further, I'd like to seek clarification from Ms Delaney in relation to an answer stepping out the Australian aid response in Gaza. I just want to make sure that I understood correctly the evidence that you presented. I believe that you outlined for the committee that a portion of Australian aid is going towards the purchase and provision of body bags to Gaza to address their current shortage. Is that correct?

**Ms Delaney:** What I said was about the contribution that we make through the International Committee of the Red Cross. The reporting that we have from them is that they were able to provide medical supplies, which included body bags.

**Senator STEELE-JOHN:** How many?

**Ms Delaney:** I don't have that number on me.

**Senator STEELE-JOHN:** The United Nations, in line with the calls made by many humanitarian organisations—Amnesty International and others—have clearly stated their grave concerns in relation to the State of Israel's policy response to the 7 October attacks. Minister, in your opening statement you repeated the statement you'd made previously during the week that the Palestinian people shouldn't be punished for the crimes of Hamas, and yet for the last two weeks Gaza has been subject to a siege. The State of Israel has denied the provision of water, food and medicine to the entire population of Gaza, 2.2 million people. That is a crime against humanity—it is collective punishment—and it is doing incredible human damage to the population of Gaza, 40 per cent of which are, as I'm sure you know, below the age of 15. Will the government now clearly condemn the siege of Gaza by the State of Israel as a crime of collective punishment?

**Mr Maclachlan:** We acknowledge the terrible suffering of innocent civilians in the Gaza strip, and this is precisely why the government, along with others, has called for a humanitarian pause to find the space to enable the convoys that we've talked about already to get assistance to innocent civilians in Gaza.

**Senator STEELE-JOHN:** I do acknowledge that's perfectly adequate—you are giving a response as a departmental figure. I was seeking a response from the government, which it is obviously not your role to give.

**Senator Wong:** I thought it might be useful—you made a statement before the question and you made assertions as well, which are assertions of political judgement, not fact. What I would say is that this is an extraordinarily difficult, complex and distressing crisis. We saw an abhorrent attack by a terrorist organisation against civilians. We have hostages who have been taken. We saw the murder of civilians and the depiction of this for political purposes on social media. We saw the loss of life of an Australian citizen, and I again repeat what I've said before publicly about my condolences to her family.

We are a government and a nation that has had a longstanding relationship with the State of Israel. We believe in Israel's inherent right to exist, and we support Israel's right to defend itself. In fact, it does have an obligation to defend itself against the sort of attack that we saw unfold on 7 October. But, from the beginning, we have also articulated the principles that we think should apply to Israel's actions. From the very first response I made, which would've been our Saturday night, whilst those events were still unfolding—remember: at that time I had not verified the full extent of the horror that had been perpetrated. We have said civilian lives should be protected and international humanitarian law should be observed. There is clearly widespread suffering in Gaza. There clearly is.

We know that Hamas, which is a terrorist organisation, has burrowed itself into Gaza's civilian population. So none of this is easy. This is all tragically difficult. The position we seek to take as a government is to adopt a principled framework by which we deal with this conflict and, more broadly, matters in the Middle East—so this conflict but, more broadly, the issue of how we talk about and engage internationally in relation to Israel and the Occupied Palestinian Territories.

Some of the things we seek to do, bearing in mind both that principled position and the imperative of social cohesion—and you know how distressed and angry parts of our community are—is to be clear about the principles we are articulating, to listen to people and to not engage in the making of political difference, which I would continue to urge to all senators. People have a right to their views. I have heard many views from the Islamic community, the Palestinian community and the members of the Arab community more broadly. I understand people's distress, just as I understand, insofar as we can, the distress of Australia's Jewish community. You've used words. They're your words. And I've used mine.

**Senator STEELE-JOHN:** Minister, you have said in your opening statement and previously during the week that you do not believe the people of Gaza, the people of Palestine, should be punished for the crimes of Hamas, and yet that is exactly what a siege is doing. A siege does not differentiate. There's no asterisk on this policy of the State of Israel that says food, water and medicine will make its way to civilians but not to Hamas. It is a complete siege, a textbook definition of collective punishment. The Israeli foreign minister has made it clear that, should Hamas surrender, the siege would end. That is a textbook definition of collective punishment. Why won't your government condemn this crime against humanity?

**Senator Wong:** Well, they're your words. I'll use my words and I have responded. But you've also made a number of assertions there. It might be useful for Ms McKenna to—

**Senator STEELE-JOHN:** No, I don't think it would, because these are questions—

**CHAIR:** Senator Steele-John, let the minister conclude, please.



**Senator Wong:** You've made assertions; you've used your words. I will use mine, as I have consistently. But you've made some assertions. It might be useful for the committee and those who might be listening to have, at a principled level, some of the discussions about the legal principles that have been thrown about.

**Senator STEELE-JOHN:** We will get the question of legality later on during the day.

**Senator Wong:** No, excuse me. I've directed your question—

**Senator STEELE-JOHN:** No, I'm—

**Senator Wong:** Wow.

**CHAIR:** Take it easy, everyone. The minister has continued her remarks and has asked one of the officials to also supplement what she has provided the committee. I think it's for the benefit of the committee that we hear from Ms McKenna.

**Senator STEELE-JOHN:** I'm conscious of the time that I'm allocated.

**CHAIR:** It's okay. You'll have opportunities. Let's just hear from Ms McKenna first.

**Ms McKenna:** As the Prime Minister and foreign minister have consistently stated, protection of civilians and respect for international humanitarian law is of course paramount. While I'm not in a position to provide legal advice to the committee, what I can say in general terms is that states do have a right to defend themselves, consistent with international law, and, of course, the way in which they do that matters. Sieges are not in themselves prohibited under international humanitarian law. However, international humanitarian law does provide for the facilitation of humanitarian assistance. Australia has called for safe and unimpeded access and for a humanitarian pause to allow life-saving assistance to reach civilians affected by the conflict.

**Senator STEELE-JOHN:** Thank you for that. Can I just clarify something? Is it your position that the State of Israel's siege of Gaza is in line with international law?

**Senator Wong:** It's not fair to put her in that position. I said that the officer can provide, as a matter of general principle, the legal principles which you are seeking to reference. She's not here to provide legal opinion about a view that you put. I thought it would be useful for the committee to have at least the relevant principles outlined at high level. What I would say to you, Senator Steele-John, is that we do believe that the humanitarian situation in Gaza is dire. We do believe that the suffering is widespread. We have consistently called, and did again yesterday, for the protection of civilian lives, and we've consistently called for safe, unimpeded and sustained humanitarian access and for safe passage for civilians. I called yesterday, along with others, for humanitarian pauses on hostilities because we want food, water, medicine and other essential assistance to reach civilians in desperate need—and so civilians can get to safety. What I said yesterday is what I've said for some time, including to the chamber. The way Israel exercises its right to defend itself matters. It does matter. It matters to civilians throughout the region, and I would also say it matters to Israel's own security.

**Senator STEELE-JOHN:** Are you saying, Minister, that the government's position is that the siege of Gaza is in line with international law?

**Senator Wong:** I've used the words I have used.

**Senator STEELE-JOHN:** So you will neither condemn it as illegal nor affirm it as legal.

**CHAIR:** I think the minister's provided a response.

**Senator Wong:** I've provided a response.

**CHAIR:** You've got another minute to go, Senator.

**Senator STEELE-JOHN:** There have been a number of eminent international human rights organisations that have now documented very clearly the war crimes of Hamas on 7 October, particularly the taking of hostages and the refusal to unconditionally release those hostages, which the government has rightly condemned, and the Australian Greens have joined with you in doing that. Those same organisations have stated clearly that the State of Israel is engaged in the commission of war crimes in Gaza, particularly with the air strikes upon civilians without notice, which they are obliged to give under international law. This is a question for you, Minister. Will the government now condemn the commission of war crimes by the State of Israel upon the population of Gaza?

**Senator Wong:** I understand what you're seeking to do, and I think we have made our position clear—the principled framework that we seek to articulate. I understand the politics of why you're trying to press this point, and you've made a number of assertions there which I take at face value but which I'm not going to engage in a factual debate about. This is a tragically difficult situation. We have sought to articulate a principled position because that is who Australia is. We are a country that argues for the protection of civilian lives. We are a country

that argues for the observance of international humanitarian law and all that that means. And overnight I have made clear our view about the need for humanitarian pauses to enable assistance to be provided.

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

**Senator McKENZIE:** I'd like to also thank DFAT officials and our defence personnel for working around the clock to keep our people safe but also to respond to what is a civilisational conflict in the Middle East at the moment.

Minister, are you able to table a full list of the flights, the carrier, the number of Australians? I have asked similar questions in Transport, just to have clarity around a full list of flights—just the repat, defence and charter. We talk about charter. What were the charter organisation, defence et cetera, the number of passengers and the split of passenger numbers between Australians and—

**Senator Wong:** Pacific islands et cetera.

**Senator McKENZIE:** Yes.

**Senator Wong:** Yes, we can do that. I don't think we can do that right now.

**Senator McKENZIE:** No. That's why I'm very comfortable for that to be—

**Mr Maclachlan:** We could do some of it right now, if you want.

**Senator McKENZIE:** No. I've got half of it from the department of transport, I've heard a little bit more this morning, and I'm confident there'll be a table somewhere that can be created.

**Senator Wong:** Yes. Why don't we just take it on notice and perhaps give you a consolidated list?

**Senator McKENZIE:** That would be wonderful.

**Senator Wong:** The numbers obviously—

**Senator McKENZIE:** Yes, they bounce around; we appreciate that. Are there any Australians who registered and have not been able to secure a flight home?

**Senator Wong:** Registered? I don't know if you would—

**Senator McKENZIE:** You know how we opened the registration—

**Senator Wong:** I did go to this before—what registration actually means—but I think you might have been doing something else. I'll hand over to Mr Maclachlan.

**Mr Maclachlan:** At the moment—as I mentioned, it's useful for numbers—we have 1,275 people registered in Israel and the Occupied Palestinian Territories, a third of whom, 434, have told us they're registering for information only. Then, total registered Australians departed is 1,930. That's the update.

**Senator McKENZIE:** Through a range of means, including commercial flights.

**Mr Maclachlan:** Correct, not solely on our flights. Operationally, it's quite labour intensive. People register. They might indicate they want to go. Our officers working overnight will call them up or email them to find out what their plans actually are. Some will indicate they want to leave, but they don't turn up to the airport for whatever reason. Some will indicate they'd like to leave, but they've got family to look after; they've got commitments. So it's conceivable that there will be people who have indicated they'd like to leave but, for a whole range of reasons—

**Senator McKENZIE:** On any given day—

**Mr Maclachlan:** Yes, they may not be able to.

**Senator McKENZIE:** they can't, for a variety of reasons.

**Senator Wong:** I think about it in non-bureaucratic terms. Registration is saying: 'I want you to engage with me.' And you may want to leave; you may not want to leave. This then means that, through these other engagement means—phones, emails, text messages—DFAT officials contact you to see if you are wanting to leave and they register you—I shouldn't use that verb; I should use another. They put you on a flight manifest. Then there's a big fall-off between registration and—

**Senator McKENZIE:** Yes, and I appreciate that. I now understand.

**Senator Wong:** There's then a fall-off. I had one particular fight between those who say, 'Yes, I do,' but then decide not to come.

**Senator McKENZIE:** Yes, I've got it. Minister, we heard earlier that the DFAT crisis cadre taskforce was stood up on 8 October. Which airlines were approached to offer assistance in repatriating standard Australians and on what date?

**Mr Maclachlan:** We ran three procurement rounds on the commercial side. This is independent of the work we were doing with the ADF. We did one on 10 October, finalised on 13 October, one on 13 October, finalised on 16 October, and one on 17 October, finalised on 18 October.

**Senator McKENZIE:** These were open? Did DFAT approach any airlines prior to running an official procurement process?

**Ms Spencer:** We received a number of offers from a range of airlines.

**Senator McKENZIE:** Could you run me through those and the dates on which those offers were received?

**Ms Spencer:** Given the procurement process, I won't go into details around the commercial carriers who were involved in that, but what I would say is we received a range of offers.

**Senator McKENZIE:** On what ground won't you go through that? I'm asking which airlines approached DFAT to offer assistance in the middle of a crisis.

**Senator Wong:** Why don't you ask us which airlines provided it?

**Senator McKENZIE:** I am asking which airlines approached DFAT.

**Senator Wong:** I know the information you want. We're happy to provide—I think the list of the airlines on which you're interested was actually—

**Senator McKENZIE:** I didn't think it was a commercial issue.

**Senator Wong:** Can I finish please? I'm trying to be helpful. The airline you're interested in was actually listed by Mr Maclachlan or Mr Jadwat.

**Senator McKENZIE:** Yes.

**Senator Wong:** We can talk about what airlines provided flights. I think what Ms Spencer is concerned about is giving too much information about the procurement process.

**Senator McKENZIE:** I asked prior to the procurement. I was very clear: 'Prior to the procurement process being run', which I understand was opened on the 10th. The assault on Israel began on the seventh. So I'm asking between the seventh and the 10th—

**Mr Maclachlan:** I'll take it on notice.

**Senator McKENZIE:** Okay. And now I'm not allowed to go through the procurement process either for commercial reasons.

**Senator Wong:** The senator is entitled to ask about the outcome.

**CHAIR:** Is that what you're after, Senator? It's your question.

**Senator McKENZIE:** I know the outcome. That's in the list you're going to provide me on notice—who ran repatriation flights, how many, et cetera. My understanding is that Minister King rang Qantas and Virgin on the 10th. I'm asking if any airlines offered assistance—other than Qantas and Virgin, who both offered Minister King that support when she contacted them. I was told by the department of transport to come to this place because you're the lead agency—

**Mr Maclachlan:** We are.

**Senator McKENZIE:** and that you would have the answers that they couldn't provide.

**Mr Maclachlan:** I don't have the answer in front of me, and I want to make sure I'm accurate. We were approached by individuals offering different services: 'I've got a plane. We can put it on here.' It was not just airlines; it was facilitators, if I can put it in those terms. I mentioned the three rounds of procurement. We obviously had Qantas, we had Qatar and we used Adagold.

**Senator McKENZIE:** Sorry, Adagold?

**Mr Maclachlan:** It's a company we've used for other operations in the past. We were grateful for all three. Then of course, as I mentioned, Emirates assisted us with returning people from Dubai to Australia.

**Senator McKENZIE:** The department of transport advised that Minister King contacted Virgin and Qantas on the 10th. Was that at a request from DFAT or was that something the minister undertook on her own?

**Mr Maclachlan:** I don't know.

**Senator McKENZIE:** Minister Wong?

**Senator Wong:** I'm not trying to obfuscate, but it has been a lot.

**Senator McKENZIE:** I appreciate that.

**Senator Wong:** I'd have to take on notice whether that was sought at a political level to complement the procurement process that they were engaged in—

**Senator McKENZIE:** So to kind of fast-forward engagement?

**Senator Wong:** Yes.

**Senator McKENZIE:** I get it.

**Senator Wong:** I remember—and this feels like an age ago, but it's only two weeks ago—that we were concerned about how quickly some of the commercial options had fallen off. You might recall that there was also a security incident, which was publicly reported, at Ben Gurion Airport with a British Airways flight.

**Senator McKENZIE:** Yes. Sorry, can I just—

**Senator Wong:** I do remember—

**Senator McKENZIE:** I do appreciate. I also have limited time and I want to get through my questions.

**Senator Wong:** I just wanted to say that I'll come back on that.

**Senator McKENZIE:** Thank you. Did Fiji Airways offer support?

**Mr Maclachlan:** I don't recall Fiji Airways offering support, but Fiji Airways did organise a charter for some Fijian citizens. That's the flight to which I referred that enabled 13 Australians—

**Senator Wong:** I think that was just a good opportunity. They had I think a pilgrim group there—

**Senator McKENZIE:** So the first evacuation flight was a Qantas flight on 14 October.

**Mr Maclachlan:** The 13th.

**Senator McKENZIE:** From 7 October, when the initial attack—sorry?

**Senator Wong:** I think that's an Australian date.

**Senator McKENZIE:** Let's make sure we get the right date.

**Senator Wong:** We're operating in Australian dates.

**Senator McKENZIE:** Okay. From 7 October, when the initial attacks occurred, to 13 October, when the first Qantas flight departed, were there any alternative carriers or charter companies who indicated to the Australian government that they could repatriate our citizens sooner?

**Mr Maclachlan:** Not that I'm aware of. We were talking to Adagold during that week as well, and they of course came on board with the flights.

**Senator McKENZIE:** Ms Spencer?

**Ms Spencer:** I agree. I don't think there was anyone that could go earlier. We went out with a request to market on 10 October, to three airlines. Some of the dates may have moved. For example, I think with Adagold they had expected they might be able to come earlier but, because of security situations, that shifted.

**Senator McKENZIE:** Who assessed that security situation? Was that on Defence's advice or DFAT's advice?

**Mr Maclachlan:** No. Airlines make their own judgements about security. With Australian airlines, of course, government agencies have a close relationship. You'll recall that, during that week, we began with a fully functioned Ben Gurion Airport. As the week moved on and the understanding of the situation evolved, airlines were finding it increasingly difficult to get insurance to operate their aircraft. Adagold was in the fortunate position that they were able to have insurance to operate the two flights for which we contracted them.

**Senator McKENZIE:** Of the three procurement processes, we had three carriers for the first procurement?

**Ms Spencer:** That's right.

**Senator McKENZIE:** How many for the second?

**Ms Spencer:** The second round was from Dubai to Australia. We had seven airlines approached there, and we received—

**Senator McKENZIE:** You approached them or they approached you?

**Ms Spencer:** We approached them. As Mr Maclachlan said, we received a whole range of options from a whole range of players.

**Senator McKENZIE:** And you sifted through them?

**Ms Spencer:** We went out to everyone who had written in and sought—

**Senator McKENZIE:** You went out to everyone?

**Mr Maclachlan:** We were being proactive.

**Senator McKENZIE:** I appreciate that, but you've had a lot of people being proactive with you. Have you narrowed that list down to who you were proactive back to?

**Mr Maclachlan:** As Ms Spencer has indicated, in the second round, from Dubai to Australia, we approached seven airlines—I don't have the details here. We received quotes from four. Qatar Airways, as we know, put on a flight. In a third round, again from Dubai to Australia, we approached six airlines and received five quotes. Emirates was the provider there. In the case of Qantas, Qatar and Emirates, the provision was at no charge to the Commonwealth.

**Senator McKENZIE:** I wish they'd done that out of Wuhan. Were consular officials available to assist with the loading of passengers for each of these flights?

**Mr Maclachlan:** As the secretary indicated in her opening address, we surged staff forward to assist our key posts. We had consular officials and other staff on the ground in Tel Aviv, assisting with the boarding process there.

**Senator McKENZIE:** At the airport?

**Mr Maclachlan:** Yes. We had—

**Senator McKENZIE:** Were you actually aware—

**Mr Maclachlan:** We had the same in London and we had the same in Dubai.

**Senator McKENZIE:** Are you aware of people being refused to fly?

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

**Senator McKENZIE:** Ms Spencer?

**Ms Spencer:** I'm not aware of any. We had some individuals that we had to assist with getting on later flights. They were generally from the Pacific island community, and that was due to the challenges around visas on entry into Dubai.

**Senator McKENZIE:** What were the manifest requirements for the three airlines flying out in the first procurement?

**Ms Spencer:** In priority, Australian citizens and their families. We did offer assistance to other nationals and they had to have a right of entry into the third country.

**Senator McKENZIE:** Were you aware that Qantas had to have a finalised manifest 48 hours prior to departure?

**Ms Spencer:** Sorry, that they did require a finalised manifest? Yes, we'd been working with them throughout and meeting their deadlines on the manifests. As other colleagues have said, those manifests did change as people didn't turn up to the airport and as others did try and turn up to the airport.

**Senator McKENZIE:** Correct, and there was zero flexibility from Qantas on that. Is that correct, Mr Maclachlan, or not?

**Mr Maclachlan:** I don't know, Senator—

**Senator McKENZIE:** Will you check for me?

**Mr Maclachlan:** I'll take it on notice.

**Senator McKENZIE:** I understand that that was the case.

**Mr Maclachlan:** The point I'd like to make, Senator, if I might—it's a bit indulgent—but frankly, we're very grateful for the—

**Senator McKENZIE:** We're all grateful Australians are home safe, Mr Maclachlan, but it's also my job to look at these sorts of things. Who cancelled the second Qantas flight? Was that DFAT or Defence?

**Mr Maclachlan:** Qantas.

**Senator McKENZIE:** Qantas cancelled that flight?

**Mr Maclachlan:** In consultation with us, of course. They had to come to their own—

**Senator McKENZIE:** Okay, thank you. I'll pass my time to Senator Birmingham.

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

**Senator BIRMINGHAM:** I'll go to remarks made this week by France's President Macron. He spoke, during his visit to Israel, about France being ready for the international coalition against Daesh to be extended,

potentially, to take part in operations against Hamas. He made clear, through his office, that this does not necessarily mean, or limit itself to, operations on the ground but could also entail training that occurs at present in terms of work against Daesh, or the sharing of information between partners as part of the fight against terrorism. Has Australia engaged in any discussions with international partners about how we may be able to provide additional support or additional co-operation in the fight against Hamas?

**Mr Maclachlan:** Firstly, we're aware of President Macron's suggestion. It's an idea, but it's one that I think we'd want to study a bit more closely; it's a complex matter. We are engaged with all of our like-minded, as has been discussed already this morning, about the situation. I've already mentioned that we're discussing the sanctions that have been put on Hamas by the US. We're looking at the issues around how we can constrain the terrorist threat that's posed by Hamas.

**Senator BIRMINGHAM:** So we're looking at other possible actions, potential contingencies, depending on how things evolve, to further strengthen the partnership in the fight against terrorism and, in particular, the disablement of Hamas?

**Mr Maclachlan:** In the broad, it's a constant dialogue with our partners about the threat of terrorism. Indeed, if I'm not mistaken, there's a meeting this week of the Global Coalition against Daesh. I think that will be in Istanbul. More broadly, through the diplomatic efforts at the moment, we're trying to convey the priorities of the Australian government with regard to the situation: addressing the threat posed by Hamas alongside the other issues that we are trying to deal with, including humanitarian access, access for our citizens to leave Gaza and the like.

**Senator BIRMINGHAM:** Thank you. While looking at contingencies, what activities is Australia engaged in to look beyond the period of the immediate conflict; to look at the types of efforts that may be required at that stage to stabilise Gaza, particularly, in the absence of Hamas—pretending, as it has been for years, to govern Palestinians in Gaza? What types of efforts and international dialogue are underway in seeking to look to how that period may be addressed?

**Mr Maclachlan:** I'd characterise it in this way: countries with which we are engaging in dialogue are, for the most part, focused on the immediate issues—the present situation, how we address the humanitarian needs and the security needs. The longer term issue that you're pointing to is certainly a feature in these discussions, but it is not foremost at the moment because people are so focused on trying to address these immediate issues. But that time is coming, and I imagine it will become an increasing part of the international dialogue about finding resolution.

**Senator Wong:** It's actually a very important question, Senator Birmingham. Mr Maclachlan is right: there's a great deal of focus on the now. I'd make two points. The first is that we're not going to go back—I think the Israelis have said this—to where we were on 6 October. Therefore we need to think about where we are after this. The motivation behind your question is also the same motivation which is compelling all of us to do what we can to try and prevent the conflict from escalating. That has been one of the pressing matters that we have engaged on. If you look at what President Biden and Secretary Blinken have said over these last weeks since 7 October, and if you look at other P5 members—France, the United Kingdom—it has also been one of the things that we have really focused on in the outreach to partners. It is also why I made the comment I did that the way Israel exercises its right to self-defence matters, not only to civilians but also to Israel's ongoing security. The deep concern that international partners are focusing on—apart from what is occurring in Gaza, what is occurring in relation to Hamas et cetera—is what can be done to prevent this escalating or spilling over into the broader region. Not only would that have such serious consequences for the people of the region but it then makes the task that you identify—the next task—even more difficult.

**Senator BIRMINGHAM:** Thanks, Minister and Mr Maclachlan. I appreciate that containment is critical for seeking to minimise loss of lives as well as longer term consequences. Of course, it's also unknown as to when the time will be coming for trying to address stabilisation in Gaza and peacekeeping, potentially, in Gaza, as well as trying to build an environment in which Palestinian people in Gaza, at some point in the future, will be in a position to be part of negotiations with Israel to try to achieve a more peaceful outcome. That is unquestionably a long way down the track, following those issues of stabilisation and peacekeeping—and that depends upon the removal of Hamas as a force and influence, first and foremost. So removal of Hamas necessarily comes first. The containment of conflict is equally a precondition, but the importance of those broader discussions happening is critical. Did the cancellation of President Biden's engagement with Middle Eastern leaders on his visit set back some of those discussions, and, from dialogue and engagement, can we have hope that, since then, dialogue has been able to be resumed, notwithstanding that unfortunate cancellation?

**Mr Maclachlan:** I think that what we're seeing is actually a continued effort of dialogue. I'm sure, but it's not really my job to speak for the US government about how they felt about that cancellation. All I'd note is that actually what we see is very determined diplomatic engagement across the region, notwithstanding what was an unfortunate cancellation. But it is ongoing. I would say it's deep and it's energetic.

**Mr Jadwat:** Could I just add that, overnight, President Biden reiterated: 'When this crisis is over, there has to be vision of what comes next, and, in our view, it has to be a two-state solution.' President Biden has reiterated that, and the diplomatic efforts continue to encourage that.

**Senator Wong:** I'm grateful that you are asking this question, Senator, because it's easy in the crisis—well, nothing is easy about this. But, in the crisis, the tendency is to just focus on the now. But, if we are wanting to see peace in this region, we do have to think about that now as well. That is in part why we are engaging in the way that I've described, and in part why we're working with others to do what we can to contain the conflict. But we do also need to work with others to build that political process that I referenced at the outset, in the opening statement, because it is a political process which is the only way we can see a just and enduring peace in the form of a two-state solution. That requires both sides to respect the right of the other to exist, and it requires the removal of Hamas.

**Senator BIRMINGHAM:** Indeed. Thanks, Minister. I want to bring us back a little bit to the here and now, because I appreciate the limitations on what we can discuss about the medium to longer term, for which we have shared hopes but obviously many uncertainties. What systems has the government put in place for how we manage as a country—and the government, in particular, in its communications—disinformation during this conflict? That particularly flows on from the cancellation of President Biden's meetings with Middle Eastern leaders, which was a result of what proved to be disinformation being spread by Hamas and other entities that, sadly, was accurately reported, which proved to be deeply inaccurate.

**Mr Maclachlan:** The way in which we manage this crisis is principally through the IDETF, the Inter-Departmental Emergency Taskforce. Through that process there has been a line of effort, led by Home Affairs, on social cohesion, an element of which is to try and tackle these issues around disinformation. Mr Jadwat has been directly engaged in this work to align and ensure that there's connection between our international effort and our domestic effort. I might ask Mr Jadwat just to unpack some of that for you.

**Mr Jadwat:** We in DFAT have been working closely with the Department of Home Affairs, with Minister Giles, and also have sat in on meetings with state and territory ministers for multiculturalism, and we've been very determined to ensure that, on the domestic front, there is no domestic spillover from what is happening in Israel and Gaza, and that our domestic agencies understand the foreign policy implications and that we ensure, as Minister Wong has said repeatedly, that our social cohesion is protected and supported. From a DFAT perspective, it's very important that we work with all of the agencies on the home front to ensure that this does not become a problem and that it doesn't spill over into the streets of Australia.

**Senator Wong:** I would make the point that it has a particular relevance in this conflict but it's a broader problem for our democracy, isn't it? We should have a political culture and a polity that is grounded in fact. We can have different views about what we do as a consequence of those facts, but we see a much greater prevalence of assertions online and elsewhere which are not factual and which become the basis, then, of narrative and debate.

**Senator BIRMINGHAM:** There are many broader questions there, and, of course, the increasing role that technology will play in being able to create and spread disinformation will become more powerful. I know those discussions are ones that will be had across Home Affairs and challenge many aspects of democracies, in particular, as to how we respond. But, on the specifics here, it is focused on the real flow of challenging information that is misreported or can be misreported from the region.

The Prime Minister, following the hospital explosion, at a press conference, stated, 'We condemn any targeting of civilian infrastructure, including hospitals,' which, of course, we would all condemn and would do if and where such targeting did occur. That was then posted to social media and, I understand, is still there, notwithstanding the fact that it's become clear that this was not a targeted attack. Has the government provided updates internally in terms of how to describe that attack? Could I encourage that the Prime Minister's post be removed, given the implications of describing that in terms of a targeted attack?

**Mr Maclachlan:** Would you mind repeating the last phrase of your question? I'm sorry, I missed that.

**Senator BIRMINGHAM:** There were two parts: one was in terms of the information being provided to government, and especially in relation to the explosion at the Gaza hospital; the other was a request for the Prime

Minister's office to look at removing that post, given the insinuation it creates that the hospital explosion was a targeted attack, which it was not.

**Mr Maclachlan:** It's not really my position to respond to the second question. In relation to the first, we obviously rely on partners for a lot of the information that we get, and some of that is sensitive information. From our point of view, I think we are guided by the US National Security Council statement that indicates that Israel was not responsible for the explosion at the hospital in Gaza yesterday. This was a few days ago.

**Senator Wong:** Last week.

**Mr Maclachlan:** Last week, sorry. That's our view—that it's likely to have been a malfunctioning rocket.

**Senator BIRMINGHAM:** I'm conscious very much of time, and I've put the request in for the other matter, and that will be for the PMO to deal with. This is the last one from me for now, because I know other colleagues have plenty of other issues they want to try to get through, but it still relates to potential disinformation. I note a tweet—if that's what we still call them—overnight, or in the early hours of this morning, from the Israeli Defense Forces, which goes to some of the debate that existed about the availability of fuel within Gaza, highlighting, it claims, fuel tanks inside Gaza potentially containing more than 500 litres of fuel. This was in response to a particular tweet made by UNRWA, warning that, if they do not get fuel urgently, it will impact operations in Gaza. Does Australia have an understanding as to whether there is, in fact, fuel available inside Gaza, as the IDF has reported?

**Mr Maclachlan:** I'm sorry, I'm not in a position to comment on the tweet nor the assertion in that tweet.

**Senator BIRMINGHAM:** Does Australia have an understanding in relation to the availability of fuel inside Gaza?

**Mr Maclachlan:** Not in the same way. What we're hearing through the humanitarian reporting is that fuel is in short supply.

**Ms Delaney:** Yes, that is what we're hearing, that fuel is in short supply, including during conversations directly with UN counterparts.

**Senator BIRMINGHAM:** Is it possible that fuel is in short supply to those humanitarian or other functions within Gaza but that there is actually fuel within Gaza that authorities in Gaza, namely Hamas, may not be releasing?

**Senator Wong:** We're not on the ground, Senator. But the concerns you raise—obviously, the negotiations between the parties to enable access include Israel.

**Senator BIRMINGHAM:** To enable access, yes.

**Senator Wong:** Humanitarian access and whatever is provided. Their views are obviously going to be part of the negotiations to enable any humanitarian—

**Senator BIRMINGHAM:** I understand that's key to access, obviously. My question was specific to the suggestion there is a fuel shortage or fuel availability and—

**Senator Wong:** My point is: I'm sure that, if that is the Israeli view, they will bring it to the discussions about what is enabled to be provided, and they will make their assessment in the context of those negotiations because no humanitarian access into Gaza is going to be facilitated without Israeli agreement.

**Senator BIRMINGHAM:** That was the last question from me. I know that Senator Chandler has questions.

**CHAIR:** Yes, she does. I'll hand the call to Senator Chandler and then to Senator Faruqi, and then I understand that officials need to head off at about twenty past. Senator Chandler, you have the call.

**Senator CHANDLER:** I'll take the conversation beyond just Israel to the broader Middle East implications. We know that Iran-backed militias supported by the IRGC have launched at least 10 separate drone and rocket attacks on US bases in recent days, injuring at least 30 US personnel. We heard from Defence yesterday at this committee that there are Australians in Iraq on deployment with the coalition forces that those IRGC-backed groups have been targeting. In this forum, does DFAT have any concerns that Australian diplomatic staff in Iraq, in Iran or in Lebanon could be caught up in attempts by those groups to target the West?

**Mr Maclachlan:** The safety and security of our personnel, as you heard from the secretary this morning, is foremost in our minds.

**Senator CHANDLER:** What diplomatic action has the Australian government taken in response to these attacks on the US and coalition against ISIS forces, which have been, as I said, attributed by the Pentagon as being undertaken by groups backed by the IR regime, if any?



**Mr Maclachlan:** We have conveyed through Mr Jadwat's engagement with the Iranian delegation here and more broadly. I'm trying to encourage supporters of Hamas and Hezbollah to undertake no action, to moderate their view, to avoid circumstances which might spread the violence to other parts of the region.

**Senator CHANDLER:** I have a question for Mr Jadwat on that in a moment. What role does the government believe the IRGC has played in supporting Hamas in its attacks on Israel and in coordinating with proxies across the region to threaten escalation in the conflict?

**Mr Maclachlan:** I don't think I'd go into detail on that in a public forum.

**Senator CHANDLER:** Mr Jadwat, you mentioned earlier that there was a call between the foreign minister and Iran, I believe.

**Mr Jadwat:** Yes.

**Senator CHANDLER:** What was the date of that call?

**Mr Jadwat:** I think I may have provided the date, but I've got it here. It was on 23 October.

**Senator CHANDLER:** Which official was the call with?

**Senator Wong:** It was the Prime Minister.

**Senator CHANDLER:** Minister, what was the message from the Australian side?

**Senator Wong:** Our message to Iran is consistent with our public messages in relation to this conflict—in relation to hostages, humanitarian access, the need to not have escalation, including via the vectors that you describe and others, and to express our views about these matters.

**Senator CHANDLER:** What was the position expressed by the side of Iran?

**Senator Wong:** They have very different views to Australia.

**Senator CHANDLER:** Imagine my shock!

**Senator Wong:** But, as you know, we maintain diplomatic relations with Iran and other countries. We don't equate diplomatic relations between Australia and a country as support for that country's views. It is an avenue for our interests, not for theirs. You would also know that we do maintain a diplomatic relationship; some of our other partners do not.

**Senator CHANDLER:** One of the Islamic republic proxies in Iraq is Asa'ib Ahl al-Haq, led by US-designated terrorist Qais al-Khazali, which, you might recall, we had a conversation about at the last estimates, when I asked DFAT about a meeting in February this year between Australia's Ambassador to Iraq and Qais al-Khazali. Is DFAT aware that, following the Hamas terror attacks on Israel, Qais al-Khazali called the head of Hamas and offered Hamas support for its attacks on Israel, including offering to provide fighters to assist Hamas?

**Mr Jadwat:** I'm not aware of that, but we can follow up through our embassy in Baghdad, of course.

**Senator CHANDLER:** I would appreciate that. It was on Qais al-Khazali's X, or Twitter, page, so that is public-source documentation. An umbrella group calling itself the Islamic Resistance in Iraq has claimed responsibility for the series of rocket and drone attacks against US bases in Iraq and Syria that I mentioned earlier. This group is understood to be a collective of Iran-backed terrorist groups and militias in Iraq. Does the government consider Qais al-Khazali's Asa'ib Ahl al-Haq to be one of Iran's terrorist proxies?

**Mr Jadwat:** I'm not in a position to designate which groups can be classified as terrorist groups. That's something the Attorney-General's Department does. But, of course, we monitor the situation very carefully. We're in regular touch with our embassy in Baghdad, and I can undertake to speak to our ambassador to make sure that we're fully aware of any links that they've had in relation to this Hamas—

**Senator Wong:** Can I answer it at this level? I think Australia knows well that Iran has long played a destabilising role in this region and has a great deal of influence in the region.

**Senator CHANDLER:** I don't expect the department to be constantly monitoring what is going on on social media—

**Senator Wong:** I try not to follow known terrorists on Twitter.

**Senator CHANDLER:** Indeed. But, on another, more serious issue, is DFAT aware that the Iranian embassy in Australia has been posting some pretty alarming anti-Israel and pro-Hamas content to their social media page?

**Mr Jadwat:** I haven't been monitoring the Iranian embassy's website, but I have had regular discussions with the Iranian ambassador to make it very clear what our position is in relation to this conflict, including in relation to what Iran does and how Iran should stay out of it. I'll leave it at that.

**Senator CHANDLER:** There are reports today, citing people familiar with intelligence, that 500 Hamas and Palestinian Islamic Jihad terrorists underwent specialised combat training in Iran weeks before the attacks of 7 October. I would welcome any comment that the government is able to make on those reports, if you're in a position to do so in this forum. But, specifically, I'm interested to know whether we're aware of any previous instances of Hamas or Palestinian Islamic Jihad terrorist training in Iran?

**Mr Jadwat:** We're not in a position to comment.

**Senator Wong:** I will again say what I said before: Both Hamas and Palestinian Islamic Jihad are listed. We have counterfinancing sanctions against them. It is an offence also for any Australian to acquire funds for, from or to Hamas and PAJ.

**CHAIR:** Thanks, Minister.

**Senator FARUQI:** Good morning, everyone. Minister, I want to go to the people who are stuck in Gaza. I know you gave a broad overview of the 79 Australian citizens that are stuck in Gaza. Obviously, it is difficult. But there are also Australian permanent residents in Gaza and families of Australian citizens and permanent residents in Gaza who might want to leave. Do you know how many Australian permanent residents government is seeking to help leave Gaza?

**Mr Maclachlan:** The number 79 is not 79 Australian citizens; it's 79 Australian citizens, permanent residents and family.

**Senator Wong:** The point you raise was raised with us, and you probably haven't been tracking it each day. It's the reason the number jumped when Mr McLachlan's advice was to widen the scope of whom we were trying to assist. I think we went from 30-something to 70-something as a consequence as the widening of the definitions.

**Mr Maclachlan:** Yes; that's roughly correct.

**Ms Spencer:** I can confirm that 40 of those are Australian citizens, but they're largely in mixed family groups.

**Senator FARUQI:** That's the latest number, and it hasn't gone up in the last few days?

**Ms Spencer:** No. That's right.

**Mr Maclachlan:** Seventy-nine was off the press this morning.

**Senator FARUQI:** Obviously people are frustrated, Minister. There was a report just yesterday which quoted an Australian citizen in Melbourne, Mr Elmobayed, whose mother, Hanaa, is stuck in Gaza, and he is saying:

We feel like we almost have been living a lie, believing that our government was going to help us and no help has been made yet.

We're at the mercy of this monstrous war, and we don't know what to do anymore.

How many representations has the government made to the Israeli government asking them to establish a humanitarian corridor to evacuate Australian citizens, permanent residents and their families?

**Senator Wong:** Multiple.

**Mr Maclachlan:** We're working daily on this problem.

**Senator Wong:** Representations have been made to the Israelis, to the Israeli government at various levels, to the Egyptian government at various levels and to others in the region. Obviously we worry about the whole conflict and the loss of life, but, right at this present time, the fact that we can't assist Australians in getting out of Gaza is the thing that is deeply concerning.

**Senator FARUQI:** Minister, you're well aware of the humanitarian situation in Gaza, and it is basically getting worse every hour. It's pretty catastrophic. As the UN humanitarian office says, the volume food entering Gaza is only four per cent of the daily average that was needed before the war broke out. The trucks that have gone in there are nothing compared to what need to go in there. You did say this morning that the Australian government has added another \$15 million for aid to Gaza and West Bank. That's on top of the \$10 million, so, overall, it is now \$25 million.

**Senator Wong:** That's right.

**Senator FARUQI:** Has all this funding reached the agencies yet?

**Senator Wong:** We did have some of those questions. I'm happy to go back to them, perhaps in a more detailed way.

**Senator FARUQI:** I did have a look at that, but it wasn't clear if the funding has reached the agencies.

**Senator Wong:** That's fine. I'm happy to. What I would say is I've also spoken to the UN entity that you referenced, OCHA—I don't know why that's the acronym, but anyway—and my conversation accords with the concerns you raise about the aid going in.

**Ms Delaney:** Thank you, Senator. As Mr Brazier noted this morning, we had an initial announcement of \$10 million, with \$3 million to the International Committee of the Red Cross, \$6 million to UNICEF and \$1 million to the UN Office for Project Services, which is about supporting the movement of humanitarian staff and supplies within Gaza. They will also facilitate the Rafah crossing. We have dispersed the funding to UNICEF and to UNOPS, and we're very close with ICRC.

**Senator FARUQI:** Sorry, I can't hear you well. All the \$25 million has reached the agencies?

**Ms Delaney:** No. Most of the initial \$10 million has been dispersed. We countersigned agreements with the International Committee of the Red Cross earlier in the week, and that funding should be being dispersed, if not already done so, today or tomorrow.

**Senator FARUQI:** That's the \$15 million which is very close?

**Ms Delaney:** That's the \$10 million. Ministers have approved the \$15 million package and we're currently working through the agreements.

**Senator FARUQI:** What's the situation with the aid actually getting on the ground to people, hospitals and other places? Do you have any idea of how that's panning out?

**Senator Wong:** That's connected to the Rafah crossing humanitarian access issue that we were discussing earlier.

**Senator FARUQI:** How much of it has actually reached people?

**Ms Delaney:** As I mentioned this morning, our initial package was going to support those agencies who had prepositioned supplies. UNICEF and the ICRC already had prepositioned supplies there, and UNOPS was already operating in Gaza. It was to signal that we would support those efforts. I mentioned a number of examples this morning of what they've been able to deliver with that \$10 million package. With the \$15 million package, obviously, we're working again with those agencies. I think we've talked about the convoys that have been able to get in, but of course acknowledge that this is inadequate at this point.

**Senator FARUQI:** My last question is on fuel; I know there was an earlier discussion on that. From what I understand, there has been a complete, or almost complete, blackout in Gaza since 14 October. Aid groups have said the aid sent to Gaza doesn't include fuel at the moment. Doctors from Gaza's only cancer hospital have warned that they're running perilously low on fuel and could be forced to shut down. I note that the \$15 million announcement today does not explicitly refer to any provision of fuel. What would Australia's aid contribution be to fuel, and what's happening with allowing fuel into Gaza? Is the Australian government making representations about that particularly?

**Ms Delaney:** As was mentioned earlier in the session, of course we're aware of the reporting and concerns of humanitarian partners that the agreements in terms of current convoys going in don't include fuel. We're aware of that, and of course we're working with other like-minded partners to include the concerns about the lack of fuel. But, as the minister has pointed out, those conversations involve Egypt, the US and Israel, and it's the subject of ongoing negotiations.

**Senator FARUQI:** Are the conversations about fuel happening with the Israeli government and other governments?

**Senator Wong:** All humanitarian access is part of those discussions—

**Senator FARUQI:** Including fuel?

**Senator Wong:** That's my understanding, obviously we're—

**Ms Delaney:** That's my understanding too.

#### **Proceedings suspended from 11:19 to 11:38**

**CHAIR:** Welcome everyone again. I'll hand the call over to Senator Paterson.

**Senator PATERSON:** I have some questions about departmental resourcing, particularly in relation to the Middle East Group, and I hope they can still be answered even though we've lost some officials. Firstly, have there been any changes in resourcing for the Middle East Group since the election?

**Senator Wong:** I think the secretary is just getting the right officials to the table.

**Ms Adams:** I'm sorry, Senator, can I ask you to repeat the question?

**Senator PATERSON:** Of course. Have there been any changes in resourcing for the Middle East Group since the election?

**Ms Casson:** I'm not sure we have that level of detail with us here today. We can get it for you during the course of the day. We'll make sure we can do that or take it on notice.

**Senator PATERSON:** I might be able to help you. There was a question on notice from a previous round of estimates. It was number 115 from budget estimates this year. It indicates that the number of people in what is now called the Middle East, Africa and Afghanistan Division is 42 people. Does that sound right?

**Ms Casson:** Again, we don't have that with us. I'll let you continue with your question, and we'll see what we can do to help.

**Senator PATERSON:** I'm advised that the most recent point of comparison is from 11 May 2022 from another question on notice, which was question on notice 138. It said that the then Middle East Africa Division had 46 people. Does that sound right—that we've gone from 46 to 42 in that group?

**Ms Adams:** We did a restructure in the meantime. I suspect that I'll have to get some more granular information to you about that.

**Senator PATERSON:** Yes, that's why I'm asking the questions. There was obviously a restructure, and Afghanistan has been added to the Middle East Africa Division. Has the title just been changed to reflect that that responsibility was already within that division?

**Ms Walsh:** In the restructure, the Afghanistan team did move across to join the Middle East team, and the resources that were allocated to them moved with them.

**Senator PATERSON:** So the reduction, then, in that team is probably greater than four people. It appears, based on these QONs, that we've gone from 46 to 42 people, but we've also added the Afghanistan team members to this division. How many members were in the Afghanistan team?

**Ms Walsh:** I know I don't have that information with me, but I'm very happy to go and get that and provide that on notice. It could be that other things moved around at the same time, so it's not an exact—

**Senator PATERSON:** I appreciate that that could be the case. I would be grateful if you could provide that detail on notice. More broadly, is this a deliberate policy decision to de-emphasise resources to the Middle East division and transfer them to other regions of the world?

**Ms Walsh:** No, it's not. The restructure, as I said, followed function in the same way as a machinery of government might—form followed function. What we were doing with the alignment, particularly on the bilateral relationships, was really making sure that we had efficient alignment of like arrangements. It wasn't really at that stage of reallocation of resources.

**Senator PATERSON:** Sure, but you have limited resources. You have to allocate them according to priorities. This is not really a gotcha question. It might be a very good answer: 'Yes, we've moved them to the North Asia division because that's a priority for the government.' I'm not trying to catch you out here. I'm genuinely interested in the priorities and whether this reflects the priorities.

**Ms Adams:** I'll add that, as Ms Walsh said, the restructure itself wasn't a resource allocation exercise. As secretary, no, I haven't made a decision that says, 'We will allocate less resources to the Middle East,' as such. However, of course we're in the business of moving people and other resources for priorities all the time.

**Senator PATERSON:** That's the point I'm trying to make: does it reflect the priorities? We'll look forward to the answers on notice, and we can dig into that when we have those. Moving on to a related matter, have there been any changes to DFAT's counterterrorism staffing levels over the past 18 months or so, since the election?

**Ms Adams:** To be accurate, I'll need to also take that on notice. We have staff both in Australia and overseas. Sometimes they have a lot of responsibilities in one position, so not every position is designated as X or Y. They do the work that's required at the time, so it's a bit hard to be precise about that. I'll look to see what we can find.

**Senator PATERSON:** I would be interested on notice, then, in whether there have been changes to the CT team that are Australia based and regional and, if so, if there have been changes regionally, where they have been from and to. Have we shifted the resourcing or focus in the region? Has the CT branch been asked to provide the government with any analysis on the regional risks from the conflict in the Middle East?

**Ms Adams:** Our current ambassador for counterterrorism has been working in and with the crisis centre and obviously with other agencies who have specific responsibilities on assessments across the system.

**Senator PATERSON:** So the CT coordinators had input into those assessments?

**Ms Adams:** Yes.

**Senator PATERSON:** To the extent that you can share it in this forum, what are DFAT's views on the increasing risks in our region flowing from events in the Middle East?

**Ms Adams:** I'll make a very general and obvious observation that increasing tensions in the Middle East do reverberate around the rest of the world, and I think the protests that have been seen in various countries show that tensions have increased. Beyond that, in terms of specific security assessments, I won't be in a position to say anything more precise.

**Senator PATERSON:** I do understand that. In response to that: what is DFAT's current engagement in our region on counterterrorism?

**Ms Adams:** You mean on counterterrorism as a policy in general, as opposed to a specific incident?

**Senator PATERSON:** What is DFAT doing about the potential increased risk of terrorist activities in the region? What engagements are we having with our counterparts in the region who would share those concerns?

**Ms Adams:** I will defer to Mr Sadlier, but, as well as the broader policy that you're talking about, of course we pay very close attention to our posts' security, which is an element of that.

**Mr Sadlier:** It's too early to determine what, if any, implications this conflict may have for the Indo-Pacific region. We continue to keep a very close eye on these issues, and we're very active in the region. Our CT ambassador, Richard Feakes, who's currently on operational duties, has been very active in terms of visiting countries in the region, with recent visits to the Philippines. He also recently co-chaired the ninth Australia-Indonesia counter terrorism bilateral dialogue. He had a recent visit to the Philippines and, as the secretary mentioned, he has been very active in providing assistance in whole-of-government for a, in terms of injecting DFAT views and perspectives.

**Senator PATERSON:** Can you say where Mr Feakes is? You said he's on operational matters. Can you say where that is?

**Mr Sadlier:** Not at this point.

**Senator PATERSON:** Minister, have you had engagement with your counterparts in the region on this challenge?

**Senator Wong:** If I interpret that broadly, yes.

**Senator PATERSON:** You might need to expand on that.

**Senator Wong:** What is the question?

**Senator PATERSON:** What engagement have you had with your counterparts?

**Senator Wong:** We are very conscious, as Secretary Adams said, from previous experience and from what we observe, of in the way in which these events reverberate through the world but also in our region.

**Senator PATERSON:** Okay. I take from that that you have been engaging with your counterparts in the region about this.

**Senator Wong:** Obviously, I'm not the only way in which that engagement occurs.

**Senator PATERSON:** Sure, which is why I asked the question of the department first, and that's why I'm now asking the question of you.

**Ms Adams:** In some particular posts, terrorism—counterterrorism—would be a very normal and almost constant part of the work of the embassies and the ambassadors. I don't keep track of every conversation that everybody has across the network. I'm sure there are many going on. I also note that for many of our partner countries there is really a very immediate and urgent focus on dealing with consular issues. No doubt the bigger policy issues will take up a larger proportion of the focus of governments across the world, including in the region, in coming weeks and months.

**Senator PATERSON:** Thank you. I think Senator Fawcett has questions now, Chair, with your agreement.

**Senator FAWCETT:** I will kick off while the chair's distracted—always a good tactic. Given the unfortunate events in the Gaza strip and the Hamas attack on Israel, I think most Australians were concerned to see some extreme elements amongst protests in Sydney, with statements made essentially glorifying and rejoicing in the acts committed by Hamas. But one of the statements that was made publicly by leaders was that Gaza had been occupied for 75 years. Given the recent change in the terminology used by the government to Occupied Palestinian Territories, does DFAT support that view that the Palestinian territories have been occupied for 75 years?

**Ms Adams:** I don't think I'm going to give a yes or no answer to that. The terminology question has been discussed before. I have nothing new to say on the terminology.

**Senator FAWCETT:** This is a question about a claim that is being put to the Australian people, and which has been reported by the media, that Israel has occupied Palestinian territory for 75 years. That is not limited to the West Bank nor to Gaza; it is in totality. It goes to the very essence of whether the state of Israel is legitimate. Does DFAT support the terminology that Israel has occupied Palestinian territories for 75 years, or do you refute that claim?

**Senator Wong:** I was distracted. What was the first part of the quote you referenced?

**Senator FAWCETT:** The process—I understand and empathise with the Palestinian diaspora the distress they feel, but claims were made by leaders in Sydney were that Israel has occupied Palestinian lands for 75 years. I'm asking: does DFAT dispute those claims? It goes to the validity of Israel's right to exist as a state.

**Ms Adams:** You've made me regret that I've let my Middle Eastern policy colleagues go back and run the crisis centre! I'm not going to be in a position to make a definitive statement about DFAT views.

**Senator Wong:** Perhaps I can assist on this. We made a decision, and if you want to ask a lot of questions about this, I'll try to assist. But I have I think rightly allowed a number of officials who are dealing with the current crisis to return to the department. We have adopted the term Occupied Palestinian Territories, which aligns with the UNSC resolution and the approach taken by the majority of the international community. This includes the United Kingdom, the European Union and New Zealand. In using this term, we are clarifying that the West Bank, including East Jerusalem and Gaza were occupied by Israel during the 1967 War. You then I think suggested that somehow—I don't actually quite understand the position you're putting—

**Senator FAWCETT:** Minister, won't you just clarify—

**Senator Wong:** Please let me finish. There's somehow a suggestion that the Australian government position in relation to Israel has changed. It hasn't. And I have—

**Senator FAWCETT:** No. What I'm asking is that there has been a public statement—

**CHAIR:** Senator Fawcett, I don't want to interrupt, but the minister was actually still trying to conclude her answer to you—

**Senator FAWCETT:** But she's struggling to answer the question, and I just want to restate the question.

**CHAIR:** Minister, you have the call.

**Senator Wong:** I was going to go on to say that we repeatedly asserted, both then and now, our support for Israel's right to exist and our support for a two-state solution. I appreciate you may have different views, Senator Fawcett, but that is the Australian government's view. If I may say, it has generally been a bipartisan position. In relation to the protest, there were a lot of comments made at that protest, if it is the one I'm thinking about. I was asked a question on the Monday morning following one of the protests, which may be the one you're referencing, including some of the comments made. I made the point, which I have continued to make, that there is no place in this country for incitement of hatred, for statements of prejudice, for antisemitism or for Islamophobia.

**Senator FAWCETT:** Minister, the crux of the question was the statement of 75 years of occupation.

**Senator Wong:** It's not our statement.

**Senator FAWCETT:** I'm not accusing the government of it being their statement. What I'm saying is that, as a narrative that has been pronounced in Australia by communities and reported in the media, I think it is important for the government to indicate that it's not the government's position that the Palestinian territories have been occupied for 75 years because—

**Senator Wong:** We support a two-state solution.

**CHAIR:** Minister, could you let the senator conclude his question, please?

**Senator FAWCETT:** Narratives are important because they tend to build views and actions within communities, and it's important for the government to indicate whether or not it refutes—and I'm assuming it does—the narrative that the Palestinian lands have been occupied for 75 years. That would go to the very existence of Israel, which I'm assuming because—as you've said, Minister—for many years, and on a bipartisan basis, we have recognised Israel as a state and its right to live within secure border.

**Senator Wong:** Correct. I don't know why I have to say this again, frankly, but I'm happy to say again that Australia supports Israel's right to exist. The Labor government and foreign minister were involved in the UN decisions which implemented partition. We support a two-state solution.

**Senator FAWCETT:** Can I take it from that you don't agree with the narrative of 75 years of occupation?

**Senator Wong:** I'll use my words. We support the right of Israel to exist and we support a two-state solution.

**Senator FAWCETT:** Regarding the term 'illegal settlements', I understand from FOI documents that there was a brief provided to the government regarding that.

**Senator Wong:** I have let all these officials involved in this go, so if we're going to do this can we come back to it? I thought there might be some questions, but if you're going to go into the issue of legality of settlements, UNSC resolutions et cetera, I will need those officials to return. I'm happy to make a time for them to come back.

**Senator FAWCETT:** I'm more interested to just understand the process within government—not the department—in terms of the engagements and briefings, for example, of the Attorney-General and the Prime Minister before this position was adopted.

**Senator Wong:** We'll need the officials to come back, so we'll come back to it.

**Senator STEELE-JOHN:** Minister, you are probably aware that this morning the Prime Minister was provided with a notice by Birchgrove Legal expressing their concerns that commentary from Australian government officials may be out of line with our commitments under various pieces of international law. Can you tell me what legal advice your department has provided to the Prime Minister, the defence minister and yourself to ensure that the way in which the government has made public commentary in relation to the policies of the Netanyahu government in responding to the attacks of 7 October are in line with our obligations under international law?

**Ms Adams:** I would say as a general proposition that the policy advice that the department provides takes into account our various legal obligations.

**Senator STEELE-JOHN:** Yes. So in this case, as the government prepared its various responses to the situation, was advice provided to the government to ensure that comments made by the defence minister or Prime Minister were in line with our obligations under international law?

**Ms Adams:** I repeat the answer. That would be an integrated part of providing advice.

**Senator STEELE-JOHN:** First of all—threshold—are you aware of this letter that's been sent to the Prime Minister today? It's been quite publicly reported on by the ABC and others.

**Senator Wong:** Yes, I read about it in the media.

**Senator STEELE-JOHN:** So you'll be aware of the quite serious concerns that are expressed in that letter in relation to comments which the defence minister, the Prime Minister and Minister O'Neil have made.

**Senator Wong:** I don't know. I haven't seen the letter.

**Senator STEELE-JOHN:** That's in the letter.

**Senator Wong:** I haven't seen the letter.

**Senator STEELE-JOHN:** But that's also in the reporting on the letter.

**Senator Wong:** And I'm sure you have a copy of the letter, Senator Steele-John.

**Senator STEELE-JOHN:** I have the article in front of me right here.

**Senator Wong:** Sure. That's great. But, no, I don't know what is in the letter. Others may have received it, but I've not sighted it this morning.

**Senator STEELE-JOHN:** To summarise it for you, they raise some quite serious concerns that, in the face of statements from the State of Israel's defence minister describing Palestinians as human animals, for instance and also references by President Herzog that the—

**Senator Wong:** Sorry, these are Israeli government ministers, not Australian government ministers?

**Senator STEELE-JOHN:** I'll finish—

**Senator Wong:** But I just wanted to be clear that those comments—the context—

**Senator STEELE-JOHN:** It is in the context of those comments by ministers of the State of Israel, including President Herzog's observations that the people 'of Gaza have brought this on themselves by voting for Hamas'—even though only 44 per cent of the people of Gaza ever voted for Hamas in 2006—that the failure of the Australian government to qualify its support for the State of Israel within the boundaries of international law risks the Australian government breaching its obligations under international law.

**Ms McKenna:** I would just add that we are aware of the reports of the correspondence from Birchgrove Legal. We would reject any suggestion that the government's response has been inconsistent with international or domestic law. But I don't think it would be appropriate for me to comment further on the correspondence from Birchgrove Legal.

**Senator STEELE-JOHN:** Thank you. Sticking with the question of international law, in 2021 the Office of the Prosecutor of the International Criminal Court commenced an investigation into the situation in Palestine, having engaged in a protracted legal process to assure itself of the court's jurisdiction over East Jerusalem and the West Bank, and Gaza as well. At the time, the Morrison government opposed the investigation, and Australia was one of the parties to lodge dissenting briefs in the legal process. Is it your government's position, Minister, that the Australian Commonwealth now supports the investigation undertaken by the ICC?

**Ms McKenna:** In 2021 the pre-trial chamber of the International Criminal Court found that the court has territorial jurisdiction over the Occupied Palestinian Territories, including Gaza, and the prosecutor has opened an investigation into the situation in the Occupied Palestinian Territories. In making its decision, the pre-trial chamber noted that any state or suspect might submit a jurisdictional challenge in any future stages of the proceedings, so I wouldn't purport to pre-empt any such challenge or the court's future consideration of those questions. Of course, the focus of the prosecutor's current investigation is a matter for the prosecutor.

**Senator STEELE-JOHN:** Minister, that is a factual statement of the process at hand, but, in terms of the government's position, not the departmental response, does the government support the investigation currently being undertaken by the ICC?

**Senator Wong:** I will take this on notice. Obviously, this also is something that the Attorney-General might be engaged on. But I don't think I have anything to add to Ms McKenna's answer.

**Senator STEELE-JOHN:** So you'll take it on notice for the committee?

**Ms Adams:** Yes.

**Senator Wong:** Yes.

**Senator STEELE-JOHN:** Can I ask about the travel notices issued in relation to Lebanon? Are the right people still here for that?

**Senator Wong:** They're not, but we can do what we can and we'll defer it. We did try to facilitate those questions this morning.

**Senator STEELE-JOHN:** I understand. Maybe somebody can clarify so we don't have to get them back. I just want to understand in more detail the practical implications for those seeking to travel to Lebanon.

**Senator Wong:** We did go through this this morning. I think you might have left.

**Senator STEELE-JOHN:** Right. Can I just clarify then: did it cover the implications for individuals in relation to travel insurance and those forms of protections if individuals seek to travel to Lebanon under such an order?

**Senator Wong:** What happens if people go when we've said do not travel?

**Senator STEELE-JOHN:** Yes.

**Senator Wong:** I don't know what the implications are for travel insurance, but I would assume it would have an effect.

**CHAIR:** I don't know if that's something for the department.

**Senator STEELE-JOHN:** Well, I think it might be. I'm seeking to understand, in the department's view, what the broad implications of a 'do not travel' order are.

**Senator Wong:** Don't go. That's a broad implication.

**Senator STEELE-JOHN:** Indeed, it is. Yes. But the practical implications for Australian citizens.

**Senator Wong:** There may well be insurance issues. Mr Gerard might be able to talk in the broad, but the point of the travel advice and my repetition of it and others is clear. We are saying, because of the volatile security situation, our advice is do not travel to Lebanon. Our advice is, if you are in Lebanon, you should consider leaving.

**Ms Adams:** I will just make a general statement that there are implications—you're right—of a 'do not travel' designation. It's used very sparingly. We're well aware of the various implications. But the reason, as the minister has said many times, for moving to this in Lebanon is that, with the large number of Australians there and the limited options and likelihood of those options being reduced even further in the event of security concerns, it will be very hard for people to leave. So those in a position to leave, we're giving the strongest indication that we can that the time to do that is now, not to wait to see what happens next week.

**Senator STEELE-JOHN:** Yes. I do understand that, Ms Adams. I guess the question in my mind is: all of the characterisations you've made in relation to Lebanon are totally accurate, but I struggle to see how they do not



also apply to the State of Israel, given the current situation, and yet there hasn't been 'do not travel' advice made in relation to that state.

**Ms Adams:** We do, as I'm sure you know, have 'do not travel' advice for Gaza Strip—

**Senator STEELE-JOHN:** Yes, of course.

**Ms Adams:** for border areas near and for West Bank. It depends on the security environments in each of those areas. Of course, they differ.

**Senator STEELE-JOHN:** Yes, but the Netanyahu government has declared a state of war and repeatedly has communicated very clearly to the international community that they are still receiving incoming rocket fire et cetera. That seems to be quite clearly an unsafe place for Australians to go, and yet they haven't been subject to that piece of advice from the department.

**Mr Gerard:** Our travel advice for every location is under constant review. It's a process that we undertake in consultation with other parts of the Australian government according to the risks to the safety of Australians.

**Senator STEELE-JOHN:** But don't you see the disconnect there, with the rocket fire exchanges that exist between Hezbollah and the State of Israel along the border and the open state of war that the government of Israel is currently communicating to the international community is the reality on the ground, yet Lebanon is subject to a do-not-travel order, with all of its implications on Australians, and the State of Israel is not? Minister, doesn't that seem strange to you?

**Senator Wong:** It's not a political judgement.

**Ms Adams:** I think it's not a political statement; it's an assessment of the security situation.

**Senator STEELE-JOHN:** Well, that's what it looks like to me.

**Senator Wong:** Hang on. That's not fair. I don't set it. I get advice from the department.

**Senator STEELE-JOHN:** But you get to choose whether you take that advice or not.

**Senator Wong:** It is a not a political assessment. It is a risk assessment. Officials undertake their assessment about travel advice, and they provide us with the advice about what we should do with travel advice.

**Senator STEELE-JOHN:** But you're evacuating people from Israel. Isn't that exactly an environment in which you'd say, 'Don't go there'?

**Senator Wong:** I think it's 'Reconsider your need for travel.'

**Senator STEELE-JOHN:** Yes. That's below 'Don't travel,' which you issued to Lebanon.

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

**Senator Wong:** That was on advice, because that is what the assessment—

**Senator STEELE-JOHN:** And you made that decision. You decided to take that advice.

**Senator Wong:** Please stop. This is not a political decision.

**Senator STEELE-JOHN:** You are a politician.

**Senator Wong:** I am, and I'm also the minister, and I would be very surprised if anyone in this role would do anything other than take the advice of DFAT on the assessment for travel advice.

**CHAIR:** Senator White.

**Senator WHITE:** I want to talk about *Invested: Australia's Southeast Asia economic strategy to 2040*. Can you take me through the recommendations made by Mr Nicolas Moore as part of his report to government?

**Ms Chan:** The report is a comprehensive look at how Australia could increase two-way trade and investment with the region. There are a large number of recommendations—75—and it does take a long-term vision, but essentially the report found that Australians can do a lot more on trade and investment with one of the fastest-growing regions in the world. It found that trade with the region has increased in nominal terms in the last couple of decades but trade with South-East Asia as a proportion of our trade has not changed much in that time. It has stayed at about 14 per cent. Investment with South-East Asia has remained really underweight, according to the special envoy. Our investment stocks in South-East Asia as a whole have remained at about 3.4 per cent of total Australian outwards investment, which is less than outward investment to New Zealand, for example.

The report looks at 10 priority sectors where the special envoy sees the most opportunity for growth. They are agriculture, food, infrastructure, resources, the green economy transition, health care, the digital economy, the visitor economy, professional and financial services, and creative industries. It focuses on those sectors and makes concrete recommendations on practical steps that can be taken to boost two-way trade and investment.

**Senator WHITE:** It's to 2040, so it's a 17-year strategy? Is that right? Does it step out what to do over 17 years, or is it just, 'This is how long it might take'?

**Ms Chan:** It's looking at a number of steps that can be taken, some of which can be done in the near term, some of which will involve quite a lot of careful consideration by government and by departments to see whether and how they might be done. They do require much-longer-term consideration.

**Senator WHITE:** I want to understand how the government has responded to the strategy? Can you tell me about the initiatives the Prime Minister announced in Jakarta?

**Ms Chan:** He announced three initiatives: investment deal terms, the South-East Asia Business Exchange and a placements and interns pilot program. I'll let Mr Innes-Brown elaborate.

**Mr Innes-Brown:** As Ms Chan said, one of the key findings of the report is that Australia's investment in the region, particularly over the last 10 years, is underweight compared to our investment elsewhere but also compared to the investment of our competitors. The first initiative, investment deal teams, was an initiative that was designed to bring together the public sector—Austrade and DFAT—with private sector expertise in teams to try to facilitate greater Australian investment in the region, including identifying opportunities, connecting those to Australian investors and also, potentially through Export Finance Australia, arranging financing for those deals. That's an important initiative, which has been funded over four years to \$70.2 million.

The second initiative is the South-East Asia Business Exchange. The key element there is that we're looking at how we can grow trade. Trade has been solid, but, as a proportion of our trade, as Ms Chan said, it hasn't changed over the past 20 years as a proportion of Australia's trade. Australia as a trading partner for South-East Asia also hasn't changed very much, despite the very rapid growth in the region. We also learned as part of our deliberations that over 90 per cent of our trade with South-East Asia is done around 250 exporters. How are we going to grow trade as we need more businesses exporting? This is what this initiative is designed to do. It's to arrange targeted business missions focusing on a sectoral basis to try to introduce more companies to the market and then to provide after-visit support. That's managed by Austrade.

There are a couple of other elements in that initiative as well. We're going to be conducting a South-East Asia trade investment promotion campaign in Australia, and that is designed to introduce to Australian businesses more South-East Asian products and also highlight the investment opportunities. That's got an important trade diversification and supply chain diversification purpose. The other subcomponent of that initiative is to do a survey of diaspora business, because one of Nicholas Moore's key findings was a lack of awareness of current opportunities or business practices in the region. We've identified that we can certainly draw more on the expertise of our diaspora community, particularly those that are engaging in business. For instance, in Mr Moore's visit to Vietnam, he learned about the very vibrant Vietnamese Australian business community that was now going back and investing and trading. Those are the sorts of people that we need to be cooperating with to introduce more of our companies to the market.

The final recommendation was a placements and internships pilot program. The idea there is, again, to tackle this awareness challenge of opportunities, business practices and so forth in the region. The idea is to have two-way exchanges of young professionals across key sectors to try to lift their business literature—on the Australian side, enable people to learn more about business opportunities and economies in the region; and vice versa on the South-East Asian side. The view is to try to create more enduring linkages between our two business communities, starting at that level at those stages of people's careers.

**Senator WHITE:** Thank you. Is the strategy a statement of government policy?

**Ms Chan:** The report was authored by Special Envoy Nicholas Moore. It's a report to government, so it's not a statement of policy, but it's essentially recommendations to government about how to strengthen two-way trade and investment.

**Senator WHITE:** This has been put to government to help shape government's policy in the future—is that how you see it operating?

**Ms Chan:** It's one input into government policy.

**Senator WHITE:** Have there been any further announcements since the Prime Minister's visit to Jakarta?

**Mr Innes-Brown:** Yes. As part of the business exchange, the trade minister announced during the Philippines-Australia ministerial meeting that one of the initial business missions will be to the Philippines. On the other recommendations, as the Prime Minister mentioned in Jakarta, he has appointed the foreign minister and the Treasurer to oversight and examine the recommendation process, to look at the recommendations and to examine their implementation. DFAT and Treasury are taking that forward at officials level. We've had a number

of meetings. We've divided up the recommendations, and there have been subcommittee meetings to look at having some initial discussions about how to take forward or examine the feasibility of various recommendations.

**Senator WHITE:** I'm interested in what you said about Vietnam because I had the opportunity to travel there on a Senate delegation. I agree with your assessment. The diaspora is significant and vibrant. To that: how many consultations were held as part of the strategy's development with the other groups who were able to input?

**Mr Innes-Brown:** Mr Moore conducted consultations in Australia and also visited every ASEAN country except for Myanmar. He has continued to have consultations, but at the time of production of the report he'd spoken to around 750 people and heard their views on what we can do to boost two-way trade and investment. We also received, as part of developing our report, a bit over 200 written submissions. There has been quite a lot of consultation with governments in the region, with their representatives here, with business leaders, with individuals, with academia and so on. I think he's covered the waterfront in quite a comprehensive way.

**Ms Chan:** On implementation: as Mr Innes-Brown noted, the Treasurer and the foreign minister are leading implementation of the report because the government has broadly endorsed its recommendations. In terms of looking at individual recommendations and how they could be taken forward, there are a couple of things that have been set up. There's a ministerial working group which has the foreign minister, the trade minister and the Treasurer, as well as the three assistant ministers. They will keep track of progress of implementation. Beneath that there is a Commonwealth taskforce which is being co-led by Treasury and DFAT and includes all relevant departments and agencies so that they can look closely at the recommendations and how they might be implemented.

**Senator Wong:** Could I reflect a couple of things. The first is that the fact that we are insufficiently economically engaged with South-East Asia, which obviously means there is a consequence for Australian jobs and economic activity but also to our relationships with them, is something successive governments have identified. We're very grateful to Mr Moore and DFAT for the work done on the strategy. They can talk to you about—I think your next question was something about the reception to it. Also, the implementation architecture that Ms Chan has outlined is important. We had a discussion about not wanting this report to just be another great report but to actually be a practical approach to try to shift the dial when it comes to South-East Asian economic engagement. I again would say to the committee that it matters to our prosperity but also matters to our security because it is about thickening and strengthening the relationships with our region, which is central to our security.

**Senator WHITE:** I was interested in the reaction from the region to the initiative. How is it different? There have been other reports. The minister has mentioned reports which maybe haven't been actioned or haven't had an intense focus. How do you see this report being different? What are the reactions to the white paper on Australia in the Asian century?

**Ms Chan:** I'd say the white paper on Australia in the Asian century looked at Asia as a whole. This report is focused on South-East Asia. There have been a number of other reports that have been much more focused—for example, the Vietnam Enhanced Economic Engagement Strategy. There was a report that looked at trade and investment on Indonesia a few years ago. This one specifically takes a very broad look at 10 key sectors in the region as a whole. It has been very warmly received in the region. I think the government is demonstrating, as the minister said, it's very focused on wanting to thicken the economic relationship with individual countries in the region. It has been very warmly received because, as the minister said, that's not just an economic issue; it's a strategic and security issue. It's about supporting countries in the region to prosper, grow and develop, and about giving them more choices on the economic front.

**Senator WHITE:** Is Mr Moore continuing on as Special Envoy for Southeast Asia?

**Ms Chan:** Yes, he is. He has an ongoing role.

**Senator WHITE:** How much did it cost for him to do the report?

**Mr Innes-Brown:** There are a range of costs: travel, specialist inputs that informed the production of the report and other things. The total cost was approximately \$1.2 million.

**Senator WHITE:** What proportion of that \$1.2 million went to Mr Moore?

**Mr Innes-Brown:** Mr Moore did this without payment. He did it for free; pro bono. We reimbursed him. He refused to take payment. We reimbursed him for travel and those sorts of costs.

**Senator WHITE:** Thank you.

**CHAIR:** Thank you, Senator White. That's very nice!

**Senator PATERSON:** I have two issues which I hope to work through quickly, and then with the rest of the time I'll share the call with my colleagues, if that's alright. The first is on sanctions, and the second is on the

Foreign Arrangements Scheme. Secretary, can you confirm that the government has not issued any sanctions under the cyber theme under the Magnitsky sanctions regime?

**Ms Adams:** I will pass to Ms Heckscher.

**Ms Heckscher:** That is correct.

**Senator PATERSON:** What's the reason that the government hasn't yet used this element of the Magnitsky scheme?

**Ms Heckscher:** The sanctions regimes are always kept under review. Every single situation is considered for particular sanctions. We don't speculate as to what particular sanctions might be under consideration.

**Senator PATERSON:** I'm not yet asking about any future sanctions; I might come to that, but not yet. But has no appropriate sanctions case presented itself in the past 18 months—none that would meet the criteria under the act? What's the reason it hasn't been used so far?

**Ms Heckscher:** I suggest that the right person to answer the question about the specifics of cyber action, for example, in cyber cases is probably our cyber ambassador. But as a general rule, government and the department look at all the situations and consider what the appropriate response is. Cyber sanctions and cyber situations are particularly complex. There are issues such as what kind of evidence you might be able to gather, whether it's the right time to use it, whether there is material that can be attributed and the like. So it is a very complex situation, as I'm sure you understand.

**Senator PATERSON:** I do appreciate that. So, is your evidence that we haven't been able to attribute any malign cyber conduct?

**Ms Heckscher:** I'm not commenting on any specific situation.

**Senator PATERSON:** I know. I understand that.

**Mr Dowling:** I'm happy to add to that. The sanctions regime, as you know, is one tool in how we deal with major cyber incidents. That we haven't used the cyber crime sanctions regime doesn't mean we aren't looking at its use when we see significant cyber incidents affecting Australia or affecting partner countries. But because it's one tool, we do need to work closely with operational colleagues, including from ASD, about establishing the evidence regime behind the use of sanctions as well as at what other options there are to respond to those incidents. Primarily those would include law enforcement options. So, where there are pathways towards prosecution or other law enforcement activities, those would generally take precedence ahead of any sanctions regime.

**Senator PATERSON:** Sure. But, as you would well know, Mr Dowling, those options are often very limited. Most jurisdictions where this activity is taking place are not ones that have extradition treaties with Australia or would cooperate with an investigation.

**Mr Dowling:** Yes.

**Senator PATERSON:** That's one of the reasons for the rationale of this introduction. I asked ASD at estimates last night, and they said that there have been two instances where they've provided technical advice, which they had a high level of confidence in, that they could attribute responsibility for cyber incidents against Australia. So, it does seem to me that there is the evidence base there to do it. Is it a policy decision that we haven't used this tool? Is there some other rationale?

**Mr Dowling:** We do receive the technical advice from ASD, which supports the ability to attribute. Whether that technical evidence meets the thresholds to utilise the sanctions regime is a judgement made within DFAT. So, that is only one part of the picture. That technical evidence also is provided to other government agencies, including policing agencies. So, there is consideration as to how that technical evidence supports the options, which include law enforcement options. So, simply having the technical evidence does not necessarily immediately imply the use of sanctions.

**Senator PATERSON:** Sure. It is one precondition; it's not all of them. I appreciate that.

**Mr Dowling:** Correct.

**Senator PATERSON:** I hope that at a future round of estimates we can talk about how it has been successfully used, because it would be a shame if we went to the effort to legislate this regime and did not take advantage of it. It is one of the limited options that we do have to try to shape the behaviour that we want to see in international cyber norms.

**Mr Dowling:** Yes, and we would agree with the effectiveness of that as a tool.

**Senator PATERSON:** Thank you. Moving on to the foreign arrangements scheme, I have questions about a specific MOU registered under the scheme. It is between Charles Sturt University and the Hong Kong Police College. It was signed in 2018 for a five-year period. So, it is possible that it has lapsed. It is also possible that it has been extended but the register has not yet been updated. Is there any official at the table who is familiar with that particular arrangement?

**Senator Wong:** Perhaps you could just give us a minute.

**Ms Heckscher:** Part of my problem is that I know that I have an answer, not specifically about the lapsing part but about that particular MOU, if I could have a moment to find it. But your question was about the lapsing. From our perspective, things are registered when they're notified to us. They go through the process, and we register them on the public register. Specific questions about whether or not they have lapsed are really ones for the institutions involved.

**Senator PATERSON:** The date the arrangement commenced was 18 July 2018. Theoretically it should have lapsed on 18 July 2023, which has passed, unless it was extended. Are you able to take on notice whether or not Charles Sturt University has updated you about this arrangement?

**Ms Heckscher:** I can take on notice whether they've updated us, but questions about the current status of the arrangement, of course, need to go to Charles Sturt University.

**Senator PATERSON:** If the arrangement had been extended, but they had not notified you, they would potentially be in breach of the foreign arrangement scheme, wouldn't they?

**Senator Wong:** Could you ask the question in a different way? The official can't really be expected to answer that.

**Senator PATERSON:** Okay. I won't ask about this specific instance.

**Senator Wong:** You could ask: is there an obligation?

**Senator PATERSON:** It is a requirement under the act, isn't it, that signatories to foreign arrangements keep the department updated about their current status?

**Ms Heckscher:** The requirement is to notify us of arrangements, at which point we consider them in accordance with the scheme and we publish them in accordance with the scheme. Probably they would need to let us know if it were extended or renewed, but the fact is it continues to be a scheme that's in existence, and it's already been considered.

**Senator PATERSON:** There is another similar scheme at Griffith University with the Yunnan Police College in the PRC. The reason why this has emerged is that it was discovered in estimates this week that there is an arrangement between the AFP College and Hong Kong police for ongoing training. I won't ask you about that scheme. Minister, given the conduct that we've observed from Hong Kong police in recent years and the way in which they've been used to suppress pro-democracy activists, opposition politicians, unionists, journalists and others, do you have a view about whether or not it is in Australia's national interest for an Australian university to continue to train Hong Kong police?

**Ms Lawson:** We keep a close eye on developments in Hong Kong. We look carefully at the range of agreements between Hong Kong and the Australian agencies, and we keep them under constant review.

**Senator PATERSON:** I appreciate that answer, but my question was more directed to the minister. Do you think it's in our national interest for Australian universities to be training Hong Kong police, given what we've seen of them in recent years, most recently with the issuing of bounties against the heads of an Australian citizen and an Australian permanent resident?

**Senator Wong:** In relation to the second part of the question, I understand, although I didn't see it, that you asked questions of the Australian Federal Police—

**Senator PATERSON:** I did.

**Senator Wong:** this week, and they outlined the reasons for their cooperation with Hong Kong.

**Senator PATERSON:** To be fair to them, it was about their cooperation with China, and it was focused more on law enforcement, not specifically on training and not specifically on Hong Kong.

**Senator Wong:** I know there are law enforcement reasons for why the police do that.

**Senator PATERSON:** I do too.

**Senator Wong:** On the broader question, I made many public comments in relation to the warrants for Australians at the time and subsequently. We believe that the issuing of warrants for democracy advocates, including those in Australia, is not acceptable. We have reiterated the same position that we have in relation to

many such matters, which is that Australia is a democracy. We value freedom of speech, freedom of expression and freedom of assembly, and we will continue to support Australians who exercise those rights.

**Senator PATERSON:** I recognise the statements that you've made on that, Foreign Minister, and also the fact that you met with Kevin Yam and Ted Hui, who are the targets of those. That is why I am asking this question. Given the stance that you have taken on that issue and given the strength of your condemnation of that, do you think it is in the national interest for an Australian university to train the police who are responsible for that?

**Senator Wong:** I'd refer to the AFP's responses to you.

**Senator PATERSON:** To be fair to them, I really think the AFP would not want to be seen to be defending this particular arrangement. Commissioner Kershaw was talking about other cooperation that they have with the Ministry of Public Security, specifically, a mainland entity on international and transnational crime—not with, specifically, Hong Kong police.

**Senator Wong:** It is, as I understand it, an arrangement the AFP is engaged in.

**Senator PATERSON:** No. These are separate issues. Hong Kong police recently visited Australia. As part of their visit, they had a bilateral engagement with the AFP. They also went to the AFP training facility in Sydney. When I asked Commissioner Kershaw about that, he said he would look into that matter. Separately he said that the AFP cooperates with the Ministry of Public Security in China on transnational criminal issues and that that was important. In my view—and it was the impression I got from the AFP—they are two distinct issues. I'm also now asking you about an Australian university training Hong Kong police.

**Senator Wong:** I'm not quite sure which arrangement you're referring to. The two I have awareness of are the cooperation in relation to transnational crimes and the cooperation in relation to training, which are programs the AFP have engaged in. If there's anything further we can add, we'll come back to you. Otherwise I'd refer you to that evidence.

**Senator PATERSON:** The other arrangement that I'm asking you for a response about, because you have responsibility for it under the foreign arrangements scheme, is where an Australian university has registered a training arrangement with Hong Kong police. It's Charles Sturt University. It's an MOU on the register. As foreign minister you have the power to cancel or vary that agreement if you believe it's not in the national interest. That's why I'm asking you about this.

**Senator Wong:** We will see if there's anything further we can provide, but, obviously, such an arrangement would need to go through our foreign arrangements scheme. We have relevant processes as to whether it's consistent with our foreign policy, and that would be the framework that would apply to this or any other arrangement.

**Senator PATERSON:** Okay. I encourage you to consider this particular arrangement. Thank you.

**CHAIR:** Senator Van.

**Senator VAN:** I've got some questions about the Pacific. I'll start with you, Minister, if I may. Last year, both in estimates hearings and in the media, you took to task the previous Prime Minister and foreign minister when China signed an agreement with the Solomon Islands. I assume you remember that.

**Senator Wong:** Yes.

**Senator VAN:** If I may quote you from the ABC News, you called it 'the worst foreign policy blunder that we've seen in the Pacific since World War II'. Is that correct?

**Senator Wong:** A lot has happened since that election campaign, so I don't have the quotes in my head.

**Senator VAN:** Do you remember characterising it as a major blunder in foreign policy by an Australian government?

**Senator Wong:** I think that was the culmination of a long period of insufficient attention, insufficient engagement and frankly some disrespectful behaviour by coalition governments, including the 'water lapping at the door' comment made by your former leader—he's still the leader of the Liberal Party.

**Senator VAN:** I would agree with you on that characterisation that there was not enough work done and some of those comments were inflammatory to say the least. Given that, and I know you've been very busy travelling through the Pacific, how would you characterise the signing of a comprehensive strategic partnership between China and Timor-Leste?

**Senator Wong:** Because Timor-Leste is seeking to join ASEAN, inter alia, and, given where it is geographically, it's actually in Deputy Secretary Chan's group.

**Ms Chan:** That comprehensive strategic partnership, CSP, is a matter for Timor-Leste and China. We respect the sovereignty of Timor-Leste and its right to make its own decisions about its engagement with other countries. The CSP is not unusual. China has similar agreements with many other countries—over 30—including with Australia. It's not the first such agreement between the two countries. In 2014, they signed a joint statement establishing a comprehensive a partnership.

**Senator VAN:** Much was made at the time of the signing of the Solomon Islands agreement about the threat to Australia's national security given the proximity of the Solomon Islands to Australia. Given that Timor-Leste is even closer to Australia than Solomon Islands, does the department have any concerns about our national security since the signing of an agreement between China and Timor-Leste?

**Ms Chan:** The comprehensive strategic partnership between Timor-Leste and China is not a security agreement. It touches on a broad number of areas of possible cooperation, which I won't go into. But Australia has a very close partnership with Timor-Leste. We are its largest development partner. Our development assistance program this year was \$118 million. We are also a very close defence and security partner. We signed a defence cooperation agreement with Timor-Leste last year. Our AFP also have a significant program of assistance of about \$5.5 million with Timor-Leste. I will also note that President Ramos-Horta has said publicly a couple of times that Australia remains Timor-Leste's preferred defence and security partner. In an interview earlier this month, he said:

... our preferred defence and security partner for the last 22 years has been Australia ... and that will continue.

**Senator VAN:** Thank you, Ms Chan. That is all I have on that topic. Ms Adams, have you withdrawn the ambassador in the embassy from Tel Aviv now that Israel's at war?

**Ms Adams:** The ambassador and staff remain in Tel Aviv. We have offered voluntary departure for dependants, and many of those have taken up the option to leave.

**Senator VAN:** Given that Israel's now at war and missiles are reaching Tel Aviv, would you not apply the same rules that you've applied to the embassy in Ukraine, in Kyiv, to Israel?

**Ms Adams:** I am actually paying very close attention to the staff security in Tel Aviv. They have been operating under security challenges for some time. We have made careful assessments. Our assessment at the moment is that we can have the staff there, but dependant families have, in large part, left.

**Senator VAN:** However, our ambassador to Ukraine remains in Warsaw. Is that correct?

**Ms Adams:** He is operating out of Warsaw. He has made one short-term visit to Kyiv but is continuing to operate out of Warsaw. That's correct.

**Senator VAN:** It seems to me that you are holding a double standard in how you are managing two very similar situations.

**Ms Adams:** I don't think they are similar situations both in terms of the external security environment but also in terms of the security measures and protections we have in place in each of the locations.

**Senator VAN:** Why wouldn't you upgrade the protections in Kyiv?

**Ms Adams:** The security arrangements that we provide for various missions around the world can be very, very expensive. Some things you simply can't mitigate against. There are a lot of factors that go into these security assessments. My predecessor having taken the decision to withdraw, it's quite a threshold for me to decide to return.

**Senator VAN:** Why is that? What are the differences? During the last estimates, we heard testimony in the public works committee hearing about how they were spending about \$40 million on hardening the embassy in Nigeria.

**Ms Adams:** Yes. That's right. Security is expensive.

**Senator VAN:** Given the importance of having an ambassador in Kyiv, why would you not authorise the hardening of the embassy or creating a safe environment in Kyiv for our ambassador and his staff?

**Ms Adams:** We are constantly reviewing what we can do in that regard. I will ask Ms Walsh to add—

**Senator VAN:** I have been asking these questions now for about 18 months.

**Ms Adams:** Yes. Unfortunately, the war is still continuing.

**Senator VAN:** But there is also one now in Israel and you're not taking any actions there.

**Ms Adams:** There are clear differences, as I said, both in the external environment—

**Senator VAN:** What are the differences?

**Ms Adams:** I am not in Senate estimates going to give my assessment of Israel's—

**Senator VAN:** Why not? You are accountable to the Australian people through estimates.

**Ms Adams:** security compared to Ukraine's security capacity in Kyiv, but our assessment of our capacity to provide the context that will allow us to meet our occupational workplace health and safety obligations varies in both places.

**Senator VAN:** How?

**Ms Walsh:** There are different circumstances, as the secretary has said, in each of our locations. We do very rigorous assessments about our ability to put in place the provisions that we need to make these decisions. To give you an example, you referenced Kyiv and hardening of the embassy there. We are co-located with a different government and another country's embassy.

**Senator VAN:** The Canadian embassy is in that building.

**Ms Walsh:** That's right. So it changes our ability to do things from, for example, if we had a standalone embassy where we had complete control. It's not just in terms of in country; it's also other mechanisms by which we feel we can mitigate those risks. I want to assure you that we take every precaution that we can.

**Senator VAN:** Thank you.

**Senator STEELE-JOHN:** I have a question of clarification. Notwithstanding that you have taken on notice the question of whether the current government is supportive of the ICC prosecutor's investigations in relation to the situation in Palestine, is it the government's position that the court has jurisdiction to investigate such matters?

**Ms Adams:** I think we will take it on notice as part of the original question.

**Senator STEELE-JOHN:** The reason I ask it here is that I'm following the foreign minister's lead in having asked the same question in, I think, February 2020 of the Department of Foreign Affairs and Trade.

**Senator Wong:** Did I get an answer?

**Senator STEELE-JOHN:** Yes, you did, from Mr Larsen.

**Senator Wong:** The advice I have from the department is that they need to take it on notice, so we are going to take it on notice.

**Senator STEELE-JOHN:** So you can't tell the committee today whether—

**Senator Wong:** No.

**Senator STEELE-JOHN:** the government believes—

**Senator Wong:** Senator Steele-John, please. We're entitled to take—

**Senator STEELE-JOHN:** It's actually quite a simple question.

**Senator Wong:** You think it is.

**Senator STEELE-JOHN:** It is.

**Senator Wong:** It's not as simple as you think it is.

**Senator STEELE-JOHN:** It is a simple policy question.

**Senator Wong:** We are entitled to take it on notice and that's what we have done.

**CHAIR:** Correct. Thank you, Minister.

**Senator STEELE-JOHN:** Turning to the case of Mohammad El Halabi, has the government made representations concerning the delays in Mr El Halabi's appeal hearings to the State of Israel?

**Ms Adams:** I will take that on notice. I don't have the staff here at the moment.

**Senator STEELE-JOHN:** Okay. Can you also take on notice how many times the department has been in contact with Mr El Halabi's family. Is somebody here that can answer that question? When was the last time the department had contact with—

**Ms Adams:** I don't know; I'm sorry. I'll take it on notice.

**Senator STEELE-JOHN:** Mr Gerard, are you able to enlighten us?

**Mr Gerard:** No. I will have to take that on notice.

**Senator STEELE-JOHN:** Could you also take on notice the number of communications you've received from Mr El Halabi's family in relation to the case. Just finally, would the government be supportive of the ICC conducting investigations into the events in Israel and Palestine since 7 October? We have war crimes committed



by Hamas. We have war crimes committed by the State of Israel. Surely this is what the ICC was created to investigate, Minister.

**Ms Adams:** We'll take the question on notice.

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

**CHAIR:** You've done an excellent job. We're ahead of schedule. On that note, I think you'll all be pleased to break early.

**Senator CHANDLER:** Before we break, can we get clarification on the potential return of Middle East officers.

**Senator Wong:** [inaudible] arrangements for Lebanon. We have a crisis in the Middle East. We did try to make people available, and I extended the time. Senators made decisions about what they wanted to ask people. We have interdepartmental meetings, plus what we describe as 'the sync', which I think is short for 'synchronisation'. Is it not possible to put things on notice?

**Senator BIRMINGHAM:** It will be for some. From your responses to Senator Fawcett, we were seeking clarification there—

**Senator Wong:** I was going to discuss it with Senator Fawcett over the break, to see if it would be possible to take that on notice. I would really prefer this, with officers dealing with these urgent matters. We tried to facilitate focused time. We didn't take much time. I think government senators were very limited, and I extended—

**Senator BIRMINGHAM:** Indeed, and I equally think we tried to keep questions moving—

**Senator Wong:** Yes.

**Senator BIRMINGHAM:** and it was a respectful session, as was appropriate. There are some issues that we will see whether we can get a response to. If we can't, then we'll deal with proceedings as best we can. We just needed the clarity to know what to ask and when to ask.

**CHAIR:** Why don't we have that chat offline. We'll suspend now for lunch.

#### Proceedings suspended from 12:57 to 14:04

**CHAIR:** Welcome back from lunch. Senator Green, you have the call.

**Senator GREEN:** I have some questions about the Afghan Locally Engaged Employee Program. When did the program commence?

**Ms Heckscher:** The scheme commenced in January 2013, following a decision by the Australian government in 2012 to introduce a program, a pathway to offer resettlement to locally engaged Afghans and their direct family who were at risk of harm due to the support they had provided to Australia's mission in Afghanistan. Regulations under the Migration Act provided the criteria and a system of certification by Commonwealth government agencies—that is, DFAT, Defence and AFP—who were engaging Afghan locally engaged employees. The criteria were that they were employed with them and at risk of harm, and at that point security contractors were excluded from the range of the scheme. It was not a visa in itself. That's an important point to make. It was a pathway for certifying locally engaged employees, who would then receive priority consideration for a humanitarian visa grant for themselves and their immediate family members, and that would be processed by Home Affairs in accordance with the normal processes for a humanitarian visa grant.

**Senator GREEN:** How many applications have been received since the program started?

**Ms Heckscher:** Since the scheme started, at the beginning of January 2013, DFAT has received 1,513 applications. It's important to note that the vast bulk of those, 90 per cent, were received after the embassy closed in May 2021.

**Senator GREEN:** I'm sure I could do the maths, but how many is 90 per cent since May 2021?

**Ms Heckscher:** One thousand three hundred and fifty applications were received after the embassy closed.

**Senator GREEN:** How many were certified under the previous government?

**Ms Heckscher:** Two hundred and forty-seven certifications have been made to date. One hundred and fifty-five certifications were made by the last government.

**Senator GREEN:** So only 155 were certified, but the applications were well over a thousand?

**Ms Heckscher:** Yes.

**Senator GREEN:** In practical terms, what does a decision not to certify—obviously I'm being careful; I'm sure these words have specific meaning in DFAT, as they always do, but, when a decision is made not to certify an application, what does that mean for the person or their family?

**Ms Heckscher:** In personal terms?

**Senator GREEN:** Yes.

**Ms Heckscher:** Because the certification doesn't itself give you a visa—it just gives you a prioritised pathway to consideration for a humanitarian visa—there is nothing, certification or otherwise, that stops you applying for a visa, regardless. So you could, if you were an Afghan locally engaged employee, apply for a humanitarian visa, or any other visa for which you might be eligible, regardless of certification. It's the priority pathway it provides.

**Senator GREEN:** What I'm actually after is to understand what would happen to those people who are certified, given there are only very small numbers. They would be prioritised—

**Ms Heckscher:** Yes.

**Senator GREEN:** and everyone who is not certified, essentially, is dealt with like anyone?

**Ms Heckscher:** As if they were normal applicants.

**Senator GREEN:** As if they didn't assist the Australian government in that time.

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

**Senator GREEN:** So there is no priority for those people. Can you remind me why there was an independent review of the program? I understand the review has been completed. What did the review find?

**Ms Heckscher:** After the closure of the embassy in Kabul, there was a Senate inquiry into Australia's engagement in Afghanistan. That inquiry didn't focus on the LEE program in particular but, in the course of that inquiry, it flagged concerns about the conduct of the scheme.

Following that inquiry, the government decided that there would be a whole-of-government inquiry into the LEE scheme itself. This was conducted by Dr Vivienne Thom. She completed her inquiry earlier this year, and it was made public at the end of May 2023.

**Senator GREEN:** Sorry, you have a lot of information for me but, to be very clear, those concerns that were raised and the reason why there needed to be an independent review came out through the Senate inquiry. Just on the face of it, those very low numbers are a concern. Essentially, is that what led to the independent review?

**Ms Heckscher:** I'm not sure whether it was the low numbers specifically, but there were concerns about the way the scheme was being run and administered.

**Senator GREEN:** Okay, thank you.

**Ms Heckscher:** I'll mention some of the key findings—I won't mention all of them. There were eight recommendations. Amongst them were concerns about, for example, the exclusion of security contractors in the legislation. That has been corrected. There were concerns about DFAT's management of the program—and by other agencies, but we're talking about DFAT—including some concerns about inconsistency in the information that was given to applicants and some of the decisions et cetera.

Generally, it was the operation and implementation of the scheme that prompted a number of recommendations by Dr Vivienne Thom for improvements in the scheme. Some key things for us were about the legislation and about improving the process, including opportunities offered to the applicants—both to provide information when it was needed and also to understand why decisions were made.

**Senator GREEN:** Right. I understand that the government has agreed to all of the recommendations. Has work started on implementing those?

**Ms Heckscher:** In fact, yes—largely. The government accepted all the recommendations and, from DFAT's perspective, we have largely dealt with all the recommendations and implemented them. The legislation was corrected on 1 June 2023, so from that point security contractors were included in the coverage of the LEE scheme. One of the things that DFAT has been doing since that time is to completely rework our process. We've made it much more robust. We added a significant number of steps where we engaged back with the applicants and gave opportunities to provide more information. And when decision letters aren't certified, there are opportunities for them to see a statement of reasons as to why that decision was made. And they can ask for an internal reassessment, and it gives them advice of their rights.

We've also taken on a lot of work both to work through the new cases—and we continue to get new cases—and also to audit all the historical cases, which is a significant—

**Senator GREEN:** Sure—I'm going to get to there in a second. I just want to understand a little more about what the review said about the program. Putting aside the security contractors: as I understand it, the review found that there were just general inconsistencies in the way that the legal instrument was being interpreted. What were those inconsistencies and how were they having an impact on people who were applying?

**Ms Heckscher:** This was in recommendation 3 in particular. Dr Thom identified that the advice given back to the applicants, for example, needed to inform the applicant about their rights, to provide an opportunity to request a reassessment and to make sure that the approach to the program was consistent with the aims of the program and any policy articulated by the government. Basically, some of the inconsistencies were in the interpretation of how the scheme applied to individual applicants and different cohorts of applicants.

**Senator GREEN:** And the impact of that was, essentially, that people were applying but they weren't really getting a fair outcome, were they? Some people were applying and the legal instrument was being applied differently to other people. It was on an inconsistent basis; and these were people who had helped our country and who needed support—who needed to leave Afghanistan.

**Ms Heckscher:** Those were certainly some of the complaints, Senator.

**Senator GREEN:** How many applications are outstanding at the moment?

**Ms Heckscher:** We currently have a case load of 1,241. That includes 357 applications on which there's been no previous decision. We have continued to receive new cases, and we'll do so until 30 November, which is when the application time period will expire. We also have 884 historical cases, which are from us going back and looking at all the case load previously where there were either decisions not to provide certification or in some cases no decisions. I should note that as part of that case load we checked in with Home Affairs, and 269 of the historical cases appear to have received permanent residency in Australia. We're in the process of verifying exactly what their status is. We are proceeding with all of that case load. As I mentioned before, we've done an audit of the historical case load to assess the decisions that were made and to work through them. We're continuing to progress them. We have established a number of surge teams, essentially, so we can progress different case loads, different cohorts, in parallel.

If I explain to you that the directly employed locally engaged staff of the embassy in Kabul were dealt with pretty easily and pretty early, and they're now all dealt with. A lot of those in the case load we have left are really quite distant in some ways from direct employment. It stems back to the wording of the legislation, which is 'employed with and at risk'. For example, some of the cases we have are employees of subcontractors of contractors who may have supplied services to the embassy and other embassies in Kabul. Trying to actually extract information and find information about employment status, about companies—and we're talking about more than 100 different employer companies, for example, who may or may not exist anymore—is not a fast process; it's quite hard work. It just explains the different types of cohorts and the complexity that we're working through. But we are working through it very expeditiously.

**Senator Wong:** I appreciate the work the department is doing on it. If I could respond to the question about different standards, it was laid out in the Senate report and it was clear in estimates prior to the election that there were different approaches to the definition of employment which were being applied in different portfolios. That was one among a number of the shortcomings of the previous process, which the Senate committee lays out and which the Thom report seeks to remedy. I appreciate the work of Ms Heckscher and her division in working through this. We can talk about some of the people concerned, but you may recall one of the cohorts we were very worried about was those who provided security services. They may not have been in a direct employment relationship but were obviously assisting Australia.

**Senator GREEN:** I assume they would, as a result of their employment, be in the type of employment that would've put them at risk maybe because of the reputation they would have had or the connection they would've had to Australia, so the risk would've been quite high for them in the aftermath. I have one last question on this. You have given me the numbers now. Because of the failings of the previous program before the review, there are about 800 historical cases that you're reviewing. We think about 550 of those don't currently have a permanent visa or haven't been previously granted a permanent visa. I appreciate you're doing this as quickly as you can, but it goes to the amount of work that's left to essentially fix up the about 500 cases you're still trying to work through. Is that right?

**Ms Heckscher:** I haven't done those particular numbers, but, yes, there's a significant number. We are prioritising cases where we think it looks pretty clear there will be a very strong case for certification so that we can get those dealt with quickly and have people with visas or at least on the visa pathway very quickly. But it will take a little bit of time. On significant cohorts like the security guards and like ACR, which was one of the development cohorts, we have made really solid progress already. Hopefully, by the time we come back we'll have another change in numbers that will show positive forward progress.

**Senator GREEN:** Thanks for your work.

**Senator Wong:** I do want to say something about this. There is a principle that Australia should stand by those who help us. That's a matter of principle, and it goes to our national interests. Obviously, if we have a reputation as a country that makes sure those who help us are looked after, people are more likely to help us in the future. I regret that the former government fell short on this. That's laid out in the Senate report, and I hope that the changes that we have put in place will subsist and will ensure that some of those who did work for us, or worked in support of us, can be assisted, notwithstanding that obviously the circumstances are now that it's very difficult because it's very hard for people to exit. I said previously that I don't think the Taliban asked whether you're a subcontractor if you've got an Australian badge on, and that legalistic approach was taken. I think it was the wrong thing to do. I said so in opposition, and it remains my view. We're trying to fix it, but you can't go back in time.

**Senator GREEN:** I appreciate that, Minister.

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

**Senator BIRMINGHAM:** I have a few quick questions for the consular division. I acknowledge that since we last met we have seen the welcome return to Australia from Vietnam of Chau Van Kham and from China of Cheng Lei. They've been the subject of long advocacy by Australian officials and by ministers—you, Minister, and your predecessor, former senator Payne—and critically by a range of officials. I particularly note, as I have said publicly before, the work of ambassador Graham Fletcher over a long period of time in relation to Cheng Lei's case. On those two, firstly, my understanding is the return of Chau Van Kham was a prisoner transfer agreement that saw his return to Australia. Is that correct, Mr Gerard?

**Mr Gerard:** Yes. Mr Chau Van Kham returned to Australia on 11 July this year through an international transfer of prisoner agreement between Vietnam and Australia.

**Senator BIRMINGHAM:** Are those agreements negotiated by AGD rather than DFAT at the technical level?

**Mr Gerard:** Yes, that's right, the Attorney-General's Department has carriage of all international transfer of prisoner agreements.

**Senator BIRMINGHAM:** Is Chau Van Kham now free and in the Australian community, and are there any restrictions on him in his engagement?

**Mr Gerard:** No. Under the terms of that transfer, now that he has returned to Australia, he has no more time to serve, if you like, and is indeed free.

**Senator BIRMINGHAM:** In relation to Cheng Lei, we of course have seen incredibly welcome scenes of her being reunited with her family, and she has acknowledged the efforts made on her behalf as well. When did the government become aware of her potential or pending release?

**Mr Gerard:** Her verdict hearing was held in Beijing on 27 September.

**Senator BIRMINGHAM:** When did the government become aware that the verdict hearing was to be held?

**Mr Gerard:** Our embassy in Beijing received a diplomatic note on 22 September that there would be a verdict hearing on 27 September.

**Senator BIRMINGHAM:** I think, as we have discussed previously in relation to her case, as well as Dr Yang's case, those verdict hearings are scheduled but routinely delayed until such point as the Chinese system is willing to provide a verdict and outcome. Having been advised there would be a hearing, that was presumably a sign of good news—or progress, at least?

**Mr Gerard:** Yes. It can be difficult for some clients, with the uncertainty of not knowing how long the legal process may take. In her case, Ms Cheng returned home on 11 October following the completion of all legal processes.

**Senator BIRMINGHAM:** How many times had her verdict hearing been previously delayed or deferred?

**Mr Gerard:** I don't have the exact number in front of me. I hesitate to say it, but I think it is six or seven. I'd have to take it on notice.

**Senator BIRMINGHAM:** Are there any conditions on her freedoms in Australia as a result of her release?

**Mr Gerard:** No.

**Senator BIRMINGHAM:** Which is very welcome. Is there ongoing support or contact being provided to both individuals we've referenced to date—to Chau Van Kham and Cheng Lei?

**Mr Gerard:** DFAT wishes to play an ongoing role in terms of welfare, and we are determined to ensure that both those Australians mentioned receive the services they may need following their return from detention overseas.

**Senator BIRMINGHAM:** Dr Yang Hengjun has been detained for a longer period than Cheng Lei had been detained, hasn't he?

**Mr Gerard:** Yes. Dr Yang has been detained for more than 4½ years, since January 2019.

**Senator BIRMINGHAM:** Since we last met, he too was scheduled to have a verdict hearing. Did that take place?

**Mr Gerard:** No, it did not. That was extended until 9 January 2024.

**Senator BIRMINGHAM:** Extended into next year, without the verdict hearing having taken place until 9 January 2024. Are there any commitments or understandings of any progress in relation to Dr Yang's case?

**Mr Gerard:** We continue to advocate for his interests and welfare with authorities both in China, in Beijing, and here in Canberra, and raise concerns that we have about his welfare directly with Chinese authorities.

**Senator BIRMINGHAM:** There have been reports in relation to his health. Does he have access to medical care and treatment as required?

**Mr Gerard:** We have concerns about Dr Yang's health. Our thoughts are with him, and we share the concerns of his family and friends about his welfare and also delays in his case. Much of our advocacy for him in Beijing, which is led by the ambassador, is focused on his health and welfare. We seek assurances that he has access to the medical treatment he needs, and we will continue to seek those assurances.

**Senator BIRMINGHAM:** Has he been able to receive consular visits?

**Mr Gerard:** Yes—as recently as yesterday.

**Senator BIRMINGHAM:** Are they face-to-face consular visits?

**Mr Gerard:** Yes. Since the conclusion of COVID-19 restrictions, those visits now take place face to face.

**Senator BIRMINGHAM:** In terms of advocacy on his behalf and for a verdict hearing to take place and for his return to Australia, what is the status of government advocacy and what message will the Prime Minister be conveying on his forthcoming trip to China?

**Ms Lawson:** We continue to make representations on Dr Yang's behalf at every opportunity, as recently as today.

**Senator BIRMINGHAM:** That's welcome. Will the Prime Minister be conveying a message on his forthcoming trip to China?

**Senator Wong:** We've taken the opportunity to convey our priority we give consular cases at every engagement from the Prime Minister through to post.

**Senator BIRMINGHAM:** I think we've been clear in previous hearings that—it was previously, of course, that both cases have been consistently raised.

**Senator Wong:** Yes.

**Senator BIRMINGHAM:** Australians would expect this case will still be raised with the same consistency.

**Senator Wong:** Of course. As Mr Gerard said, we continue to advocate for Dr Yang to be reunited with his family. We share the concerns his family and his friends have expressed about his welfare and his medical condition. We particularly press the Chinese system to ensure he has the medical care he needs. You can rest assured we will continue to advocate for him.

**Senator BIRMINGHAM:** Thank you. That is all. There are other cases we could pursue but I appreciate the continued provision of a confidential consular briefing to handle other sensitive matters. From my perspective, I don't necessarily need to progress other cases at this time. I appreciate, Mr Gerard, you and your team are also engaged and busy in the Middle East situation, and the work you're doing there.

**Senator Wong:** Thank you.

**Senator BIRMINGHAM:** Having said all that, can I ask one thing that might be relevant to you, Mr Gerard! In July it was revealed Hong Kong authorities put a so-called bounty on the heads of two Australians. What engagement has the department had with those two Australians about this? If this is not relevant to you, Mr Gerard, you're free to go, from my perspective!

**Ms Lawson:** Apologies; could you repeat the question.

**Senator BIRMINGHAM:** In July it was revealed Hong Kong authorities allegedly put a bounty on the heads of two Australians. What engagement has DFAT had with those two Australians about this most unwelcome development?

**Mr Sloper:** The government is deeply concerned by the Hong Kong authorities' decision to issue those warrants you mentioned for democracy advocates, including for the two individuals in Australia. We continue to raise our concerns with relevant authorities in China. From our perspective, it's unacceptable for any foreign government to target members of our own community to prevent individuals exercising their fundamental rights.

**Senator BIRMINGHAM:** What representations have been made both to Hong Kong authorities and DRC authorities?

**Mr Sloper:** Consistent with our representations on broader human rights issues, we regularly meet with officials and raise concerns. In this case it's both in terms of actions in Hong Kong and issuing these international warrants.

**Senator BIRMINGHAM:** At what level have these representations been made?

**Mr Sloper:** I'd have to take that on notice. The reason I'm doing so is we raise human rights regularly. I just want to be specific on these particular ones.

**Senator BIRMINGHAM:** Have they been raised at ambassador level?

**Mr Sloper:** I'd need to take that on notice. That's because we discuss human rights issues regularly, and I have to confirm at what level it was.

**Senator Wong:** I think you would have seen from my public statements after each meeting that, whether it's me or anybody else in the portfolio, there is a series of things which Australia routinely raises, and human rights is one of those. Is that what—

**Senator BIRMINGHAM:** Yes, I was going to move from 'ambassador' to 'ministerial', Minister, if that—

**Senator Wong:** I'd have to take that on notice, if you really want every engagement. My point is: I think I've said publicly, on each engagement I've had with either Director Wang Yi or the former foreign minister, that I have outlined some of the issues I've raised, and I think you will find we routinely raise human rights at the foreign minister level.

**Ms Lawson:** And, Senator, as you would be aware, the foreign minister has also publicly expressed the government's concern about this issue.

**Senator BIRMINGHAM:** Thanks, Ms Lawson. I appreciate we routinely raise human rights. These are distinct from what is normally interpreted when those words are said. But, of course, normally, when we talk about raising human rights issues in routine dialogue and regularly in dialogue with the PRC, that reflects issues in Tibet or issues in Xinjiang or those types of general human rights issues of deep concern. This, of course, goes to Australian citizens and their rights and the implications of this for them. Can Australians be assured that their cases and the actions taken against them will be raised by the Prime Minister in his dialogue next week?

**Senator Wong:** The Prime Minister has consistently raised human rights and consular matters in his engagements, and I'm sure he'll take the same approach.

**Senator BIRMINGHAM:** We would urge him to take the same approach and a comprehensive approach in relation to detained Australians or Australians targeted with these types of actions as well. What is our understanding of the implications for these Australian citizens and what advice has been given to them in terms of travel they may undertake or risks that are presented to them?

**Ms Lawson:** To those two specific individuals?

**Senator BIRMINGHAM:** Yes.

**Ms Lawson:** I would have to take it on notice in terms of specific advice. Obviously, we wouldn't reveal the details of every conversation that we have, but I can certainly take that on notice.

**Mr Sloper:** I might add that, while we may not have discussed the travel question—we need to take that on notice—we have certainly talked to them about the support options available, both within Australia and how they can continue to exercise their rights, and to hear from them any particular concerns that they've experienced to date. That goes to your point about their actions here in Australia. We do have inquiries from time to time about people who wish to travel who have concerns that they may be the subject of interest of other governments, including the Chinese government, and we refer them to the travel advice, which is consistent with our advice to other travellers.

**Senator BIRMINGHAM:** Is reference to the travel advice adequate for Australian citizens who may have specific concerns in relation to the risks they face due to political statements they have made or views they may have expressed that could present a risk of them being detained, arrested or otherwise, in different countries?

**Ms Lawson:** As I've said, we have engaged with those individuals. We will take it on notice and come back to you on that question.

**Ms Adams:** I want to add that, of course, these Australian citizens are in Australia, so they're by definition not overseas consular cases. They come under the security assistance of domestic agencies more than DFAT, from a consular point of view. But, given that these are Hong Kong arrest warrants and bounties—not Beijing—I also want to add that, of course, our High Commission in Hong Kong—

**Senator BIRMINGHAM:** Consulate.

**Ms Adams:** Please scrap that from the record. Our consulate—

**Senator BIRMINGHAM:** That's a few decades ago!

**Senator Wong:** If the secretary makes that mistake, it shows that the nomenclature is challenging!

**Ms Adams:** has raised these issues with Hong Kong authorities and, in fact, I myself have also raised them in person when I visited Hong Kong recently.

**Senator BIRMINGHAM:** And have Hong Kong authorities given any indication that they are willing to remove these bounties that are on the heads of Australian citizens?

**Ms Adams:** All I can say is we've made it extremely clear that we consider it completely unacceptable from our sovereignty point of view and expect no action to be taken.

**Senator Wong:** I would also say in part how we respond to this is by you and I and others making very clear that we regard it as an important feature of our democracy that people have freedom of expression and of advocacy. People are entitled to advocate peacefully. That is part of our sovereign right as a nation, to have that kind of system of democracy here and to continue to say that every Australian citizen has a right to freedom of expression.

**Senator BIRMINGHAM:** It is very true, Minister, that Australians are as free to criticise the governments and practices of other countries as they are to criticise you or I and the practices in our own democracy.

**Senator Wong:** Correct.

**Senator BIRMINGHAM:** Chair, how are you wanting to cover the time, if I can just check, between now and when I understand we have these officials with us again briefly around 3.15? I have another block on a separate matter that I'd like to pursue.

**CHAIR:** We'll go to the Greens for 10 minutes, and then I will come back to you. Senator Shoebridge?

**Senator SHOEBRIDGE:** Minister, are you aware of the executive order issued by President Biden on 14 October dealing with the situation in Syria, in which the president said:

The situation in and in relation to Syria, and in particular the actions by the Government of Turkey to conduct a military offensive into northeast Syria, undermines the campaign to defeat the Islamic State of Iraq and Syria, or ISIS, endangers civilians, and further threatens to undermine the peace—

**Senator Wong:** Sorry, I don't have the officials here who can assist on this. This is Syria. We had arrangements. The officials for this are involved in responding to the crisis in the Middle East and consular matters, including contingency planning and the existing Australians on the ground, so we agreed with the committee we would have questions for a couple of hours this morning, which we extended. I have at the chair's request asked one of those officials to return at 3.15 for some limited questions. I'm sorry, but I don't have the officials here who could deal with those matters.

**Senator SHOEBRIDGE:** Would that be able to be dealt with at 3.15?

**Senator Wong:** You'd have to fight with Senator Birmingham for the time!

**Senator SHOEBRIDGE:** Well, I'll take it after—

**Senator Wong:** I was being facetious—negotiate with him. I will want to ensure the official concerned is at an interdepartmental taskforce meeting at 4 o'clock.

**Senator SHOEBRIDGE:** To make it easier, to make it more efficient, I might put the question and then the official may be able to address it rapidly on their return.

**Senator Wong:** No worries.

**Senator SHOEBRIDGE:** The statement by President Biden was:

The situation in and in relation to Syria, and in particular the actions by the Government of Turkey to conduct a military offensive into northeast Syria, undermines the campaign to defeat the Islamic State of Iraq and Syria, or ISIS, endangers

civilians, and further threatens to undermine the peace, security, and stability in the region, and continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.

Minister, my question first to you is: were you aware that statement had been made, particularly the concerns raised about the offensive actions of Turkiye in north-east Syria, and does Australia have a similar position in relation to the destabilising effect of those activities?

**Senator Wong:** I'll take that on notice.

**Senator SHOEBRIDGE:** And my question—

**Senator Wong:** Essentially, do we have a view about the events that you've described.

**Senator SHOEBRIDGE:** Indeed. And, as you would be aware, Minister, much of the military activities—the bombing and targeted killings—by Turkiye are directed against the Kurdish people in that region. What if any views does the Australian government have on that? What if any aid or support is proposed to be offered to the Kurdish peoples and others in that multiethnic part of north-east Syria? But you said it might be most efficient to address that after 3.15?

**Senator Wong:** Well, no-one's walking to the table.

**Senator SHOEBRIDGE:** I can see that.

**Senator Wong:** They're all very still. So, unless they're really ducking, I suspect the people who deal with Syria—

**Senator SHOEBRIDGE:** We might move onto some other matters. Could I first of all deal with the issue of the Prime Minister's visit to the United States. I heard your comment that people have freedom of expression, advocacy, sovereign rights as a nation and that every Australian citizen has a right to freedom of expression. They're comments I endorse and I know millions of Australians endorse, but that's a set of rights and freedoms that Julian Assange doesn't seem to have been granted. Have those concerns been raised in the visit between the Prime Minister and President Biden?

**Ms Adams:** I'll start by saying that we've been clear in our view that Mr Assange's case has dragged on for long enough and should be brought to a close. I think you've heard the Prime Minister himself say that on many occasions. That remains the view that we take.

**Senator SHOEBRIDGE:** Has that been directly represented to the president in the Prime Minister's current visit and, if so, in what form?

**Ms Adams:** We're not in a position to report on the Prime Minister's real-time conversations with the President of the United States.

**Senator SHOEBRIDGE:** Minister, was that on the agenda to be raised clearly—

**Senator Wong:** I'll make a few comments. We have been clear that in our view Mr Assange's case has dragged on long enough and should be brought to a close. The Prime Minister has said that publicly. He's also said, I think, in the parliament that he has made representations, and I've been clear that I have made representations. I appreciate you have a different view, but Secretary Blinken at the AUSMIN press conference also outlined the view in the United States—the view that he outlined about their assessment or their view about Mr Assange's activities and legal process. Obviously there is a legal process underway. We are not able to intervene in another country's legal proceedings, just as the United States is not able to intervene in our legal proceedings here that the Commonwealth DPP or state DPPs are engaged in. But I would say that we are following his case closely. We continue to offer Mr Assange consular assistance. The overarching position the Prime Minister and I have both expressed publicly is that we think this case should be brought to a close, and we have expressed that view to the governments of the United Kingdom and the United States.

**Senator SHOEBRIDGE:** But you don't share the views expressed by Secretary Blinken in relation to the activities of Julian Assange, do you, Minister?

**Senator Wong:** I've outlined the position we articulate. I just referenced Secretary Blinken's press conference because I thought it was a useful understanding of the US perspective, which often doesn't get much focus in these discussions.

**Senator SHOEBRIDGE:** Secretary Blinken's views and opinion that the actions of Julian Assange placed US officials at risk have been rejected by US courts. Surely it's rejected by you, too, isn't it?

**Senator Wong:** My personal views are nothing—

**Senator SHOEBRIDGE:** But surely it's been rejected by you in your position as minister—



**Senator Wong:** Well, hang on. My job as minister is to make representations on behalf of the government, on behalf of the Australian people, and I've been clear: this case has dragged on a very long time, and it is difficult to see what is to be served by Mr Assange's ongoing incarceration. There are obviously many concerns from his family, his friends and those who support him. We have made the representations, as I said, at my level and at many other levels to both the United Kingdom and the United States.

**Senator SHOEBRIDGE:** To be clear, I'm not asking your personal view; I'm asking the position of the Australian government as expressed through you as foreign minister. You surely reject the proposition put by Secretary Blinken that Julian Assange's actions put US officials at risk, given that's consistent with findings of the US court that no such risk occurred. You surely reject those views on behalf of the Australian government, don't you?

**Ms Adams:** I simply remind you that the Australian government isn't a party to any of the legal cases.

**Senator SHOEBRIDGE:** Knowing as you do, Secretary, that the extradition process in the United Kingdom has effectively two parts—the first being the part through the courts, and I note your repeated statements in that regard, and the second being the political decision by the Secretary of State as to whether or not to endorse an extradition—has the Australian government made representations to the Secretary of State seeking the Secretary of State to not make that political decision and extradite Julian Assange to the United States?

**Ms Adams:** As the minister has already said, the Prime Minister and foreign minister have raised with the governments of the United States and the United Kingdom our views and will continue to do so.

**Senator SHOEBRIDGE:** Has that request been made of the Secretary of State of the United Kingdom to not exercise that political judgement and to ensure that Julian Assange is not extradited to the United States? Has that request been made of the Secretary of State?

**Ms Adams:** I don't have anything to add to my answer.

**Dr Sawczak:** Just for the record, the comments Secretary Blinken made in the AUSMIN press conference cited concerns by the Department of Justice rather than his own views on the case. As a point of reference, I quote:

What our Department of Justice has said repeatedly, publicly is this: Mr Assange was charged with very serious criminal conduct in the United States ...

He cited as a source the Department of Justice in the United States.

**Senator SHOEBRIDGE:** I want to move to a couple of consular matters.

**CHAIR:** Senator Shoebridge, we discussed those earlier this morning. I don't think we can actually deal with them. We actually dealt with them this morning.

**Senator SHOEBRIDGE:** We had the consular official literally just there.

**CHAIR:** Have we got someone here?

**Senator SHOEBRIDGE:** He was right there.

**Senator Wong:** No, sorry. He has gone back.

**Ms Adams:** He's running the consular case workload for Gaza and West Bank, and I asked him to return to his leadership position in that regard.

**Senator Wong:** We'll see what we can do, Senator Shoebridge.

**Senator SHOEBRIDGE:** Thank you.

**Senator Wong:** We might be able to assist.

**Senator SHOEBRIDGE:** The first was in relation to Pakistan. First of all, I want to express gratitude for the work of the consular officials for the release of Hasan Askree, which I know was a great relief to not only him and his family but also the broader Pakistan Australian community. There have been many requests made of my office—and I wonder if they have been reflected through to you, Minister, and your office—for Australia to make a statement about the need for free and fair elections in Pakistan. Have those statements been clearly expressed by our high commission in Pakistan?

**Mr Cowan:** We have been encouraging Pakistan very regularly and very clearly on the conduct of elections. We've been asking that elections be free, fair and credible and held in accordance with Pakistan's constitution. We have been making that advocacy to Pakistan's government and to figures across the political spectrum, especially through our high commissioner there. So we have been active on that front.

**Senator SHOEBRIDGE:** Have they included concerns as to the unlawful jailing of journalists and the use of military courts and extrajudicial proceedings to detain political opponents?

**Mr Cowan:** Well, what we have been saying is that elections need to be free, fair, timely and credible. I guess by 'credible' we mean a couple of things: free of violence; with a competitive field in the elections—that's to say, open to various political parties able to compete—and then reported on by an open media and held in accordance with the constitution. That's been a continual strand of representation that we've been making to a very wide range of figures in the Pakistan government and system.

**Senator SHOEBRIDGE:** Have there been any statements or concerns raised about the high-profile detention of journalist Imran Riaz Khan and requests to the Pakistan government to cease that kind of persecution against journalists?

**Mr Cowan:** Senator, are you referencing a particular journalist or are you talking about Imran Khan, the head of the PTI party?

**Senator SHOEBRIDGE:** We will come to Imran Khan, the head of the PTI. But I'm speaking here about Imran Riaz Khan, a high-profile, prominent journalist who spent months and months in detention in Pakistan.

**Mr Cowan:** I'm not aware of a particular representation relating to that individual, but we have made representations going to the general point about the way in which elections should be held and the environment in which we think they should be held.

**Senator SHOEBRIDGE:** Have those representations included concerns about the ongoing detention of Imran Khan the politician and the actions taken against the PTI party to prevent it from engaging in free, fair and open elections?

**Mr Cowan:** Yes, on the general point, we've been making that case—that advocacy—about an election in a competitive field. That goes to the ability for different parties to take part. On the instance of Mr Imran Khan, the former Prime Minister, as I think you know, he was arrested again in early August on charges. The high commission has been monitoring that situation closely. It's been signalling our interest in his case. His case has been raised with the Pakistan government, including at ministerial level, twice since that second arrest in early August. As I think you know, our head of mission in Islamabad has met with Mr Khan twice this year, once in February and once in May, and separately again with another member of the PTI. So we have been signalling ongoing interest in the case, calling on parties, including the government, to observe rule of law, and, again, making that advocacy about the kind of elections that we think ought to be held there.

**CHAIR:** Last question.

**Senator SHOEBRIDGE:** Well, for the record, I think there is appreciation of that engagement. Is it the intention of the high commission to send an observer to Imran Khan's trial as part of broader encouragement for the rule of law in the lead-up to the coming election?

**Mr Cowan:** I think we will consider that closer to the time, but we have definitely been signalling an interest in that case.

**Senator SHOEBRIDGE:** Chair, could I seek your indulgence for just five more minutes to address another matter?

**CHAIR:** I need to move the call around. I'm sorry. You've had 20 minutes. If there's another matter, I will have to give the call back to Senator Birmingham. Senator Birmingham, you have the call.

**Senator BIRMINGHAM:** Thank you, Chair. I have some questions on the ODA budget. So, budget and/or ODA people, come forward. Can I get a summary of decisions taken by government in the October 2022 budget in relation to ODA?

**Mr Brazier:** I can give you an overview of the—

**Senator BIRMINGHAM:** I'm not looking for the glossy; I'm looking for the detail.

**Ms Adams:** We've had two estimates since then.

**Mr Medland:** In the budget papers in October 2022-23, the government committed to an additional \$1.4 billion in official development assistance over the forward estimates, including \$900 million for the Pacific and \$470 million for South-East Asia.

**Senator BIRMINGHAM:** Were any other decisions of government taken in that budget relevant to the ODA budget?

**Mr Medland:** An additional \$30 million was provided to non-government organisations. They were the ODA decisions that I recall.

**Senator Wong:** Do you mean October last year?

**Senator BIRMINGHAM:** Yes. Are there any other decisions that were taken at the time that this questioning might prompt you to recall?

**Senator Wong:** I don't know what you're getting at, so why don't you tell us what you're getting at?

**Senator BIRMINGHAM:** Were any decisions taken in relation to indexation of the ODA budget in October last year?

**Mr Medland:** The decision to index the ODA budget at 2.5 per cent was taken in the May budget.

**Senator BIRMINGHAM:** Hadn't a decision already been taken by the previous government to restore indexation of the ODA budget?

**Senator Wong:** I don't think that's what the evidence was when I was sitting over there. My recollection is that you left wriggle room, but I could be wrong and if I'm being unfair I'm happy to correct it.

**Mr Medland:** I'm guessing the question might be whether the indexation was on an ongoing basis or whether that indexation just covered the forward estimates and then terminated?

**Senator Wong:** That was the wriggle room.

**Senator BIRMINGHAM:** My understanding is that in the 2022-23 March budget, forecast ODA was indexed annually in line with the then government's policy that had been stated back in the 2018-19 budget, which announced the indexation would recommence in 2022-23, and that it did across the forward estimates and beyond recommence in 2022-23.

**Senator Wong:** That's nice. I have to go back. I can't recall everything that happened when we were in opposition and you were in government. Were you the finance minister then?

**Senator BIRMINGHAM:** For that budget, yes.

**Senator Wong:** There you go. Well, you probably remember better. I remember there was some, as I said, 'hedging' might be too strong a word, but officials were careful about what was outside the forward estimates. In any event, if that's what you say, sure.

**Senator BIRMINGHAM:** I'm asking the question because—and I heard Ms Adams note that it's been a couple of estimates since then, and yes it has—looking at this came about while we were trying to understand how the commitments and claims made in the last budget of an \$8.6 billion increase over the next 10 years were assessed. We asked the Parliamentary Budget Office to help, as oppositions do. The Parliamentary Budget Office tells us that the statement I just made—forecast ODA—was reinstated in March of last year. Then it says that, at the 2022-23 October budget, indexation was cancelled for ODA projections for all years beyond 2026-27. Then it goes on and says that the 2023-24 budget—in May this year—announced indexation of ODA at 2½ per cent per annum on an ongoing basis from 2026-27. So, according to the PBO, in October last year the government reversed out indexation that had been put into the budget, then in May this year reinstated the indexation. But that inflates the \$8.6 billion claim that was made in this year's budget by some \$3.2 billion that you'd taken out in October and only put back in, in May. As we know, PBO works with Finance in checking when these sorts of questions are asked. Are you telling me that DFAT has no knowledge that a decision was taken in government to cease indexation in October last year?

**Ms Adams:** What I can say from my point of view, having been involved in the processes, is that we had to fight in ERC to get the indexation restored. I've never heard of a decision to stop it. So, from my perspective, that's not what occurred. If there's more intrigue somewhere in the system that I'm unaware of, I stand to be corrected. But, from a portfolio point of view, we advocated for introducing the indexation and achieved that in the May budget.

**Senator Wong:** From my perspective, the commitment that you outlined was not my recollection of your government's commitment. I would also say that the \$1.4 billion that Mr Medland went to became part of the baseline. It is obviously of benefit to improve the baseline. But I would say this, Senator: there've been criticisms from your shadow Treasurer about the addition to the ODA budget. If you are leading a bipartisan push for more ODA, I'd welcome it.

**Senator BIRMINGHAM:** What I'm—

**Senator Wong:** But that isn't the position of your party. It wasn't when you cut it in government, and it hasn't been in opposition. I appreciate that you have been reasonable, but unfortunately other senior members of your team have been less than supportive.

**Senator BIRMINGHAM:** What I'm trying to lead right now is an understanding around transparency and accuracy. We've got a situation where the advice of the independent Parliamentary Budget Office suggests that there was a significant \$3.2 billion sleight of hand by government, to—somewhere—axe indexation in October last year—

**Senator Wong:** I don't agree—

**Senator BIRMINGHAM:** restore it in May this year, and claim credit for the \$3.2 billion restoration that was, in fact, only giving back what the government had taken out.

**Senator Wong:** We'll take it on notice, but this is the first time I've heard that proposition, as is the case for others at the table, for the reasons I outlined. If you want to provide us with your private and confidential—

**Senator BIRMINGHAM:** We will happily approve the release of the PBO advice—

**Senator Wong:** But I would make the point that your assertion about what your position was in government does not accord with my recollection of what was said by your officials and your ministers prior to the election. Okay?

**Senator BIRMINGHAM:** Again, Minister, on this occasion, I'm not making the assertion as the former finance minister. I'm quoting from the analysis—

**Senator Wong:** Sure, but the PBO—

**Senator BIRMINGHAM:** that the independent Parliamentary Budget Office has given us.

**Senator Wong:** And I'm saying to you that a PBO has made an assumption about indexation beyond the forwards that I do not recall being a commitment of your government. So be it. But I'm just explaining that to you. We will take it on notice and we will come back to you.

**Senator BIRMINGHAM:** And it's not a matter for assumptions to be made. These are facts that should be able to be tested, and I have no reason to believe that the PBO would not be testing those facts in terms of the accuracy of the information they give to oppositions or to other parliamentarians. And ultimately they go through their independent process of fact checking the information they're providing in response to queries with Finance and usually through relevant departments as well. While we are on ODA commitments, Minister, what is the estimated share of GNI that ODA will be at across the forward estimates?

**Mr Brazier:** The latest information we have is that it is 0.19 per cent of GNI.

**Senator BIRMINGHAM:** For the current year?

**Mr Brazier:** Yes.

**Senator BIRMINGHAM:** And estimates across the forward estimates?

**Mr Brazier:** It is 0.19 in 2024-25, 0.18 in 2025-26 and 0.18 in 2026-27.

**Senator BIRMINGHAM:** What was it last year, in 2022-23?

**Mr Brazier:** The figure I have here is 0.19.

**Senator BIRMINGHAM:** And the year before that?

**Mr Brazier:** The figure I have here is 0.22.

**Senator BIRMINGHAM:** And that of course included elements of the COVID surge at the time.

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

**Senator BIRMINGHAM:** But, at best, it is flatlining as a percentage of GNI and in fact notionally going from 0.19 down to 0.18 over the forward estimates. Minister, did you seek to amend the wording in Labor's national platform that promises to increase aid as a percentage of GNI every year that you're in office?

**Senator Wong:** That is what the party has called for. That is the platform. But obviously we have to make decisions in government. We've allocated additional funds for ODA. I would also make the point—and perhaps I could quote the shadow Treasurer: 'There's also \$8.6 billion in foreign aid that's being added in this budget. I mean, these are spending items that are not right for Australia right now.'

**Senator BIRMINGHAM:** It turns out it may not be \$8.6 billion and that that may have been an inflation by the government in the budget, somehow, as we were just discussing.

**Senator Wong:** My point is that if you want to work with me to get bipartisan support in this place for more ODA, I'm in.

**Senator BIRMINGHAM:** Well, these are decisions of governments made in budgets.

**Senator Wong:** But you and I both know that opportunity cost lies at the heart of budgeting, and political opportunity cost is relevant to the ODA budget. I appreciate my colleagues, who have a very tight budget, being willing to provide the portfolio with additional ODA funding. Obviously we always want more; there is always more need, as we can see from the world. But our ERC, our cabinet, has been prepared to do that, and if you want to join us in that I would be very happy.

**Senator BIRMINGHAM:** This may help in terms of some of the questions to come in other areas. How are Australians to read the relevance of the Labor Party national platform when these sorts of statements are made but not reflected in government policy?

**Senator Wong:** I'm very happy to have a conversation about the Labor Party platform, but I'm not sure that this is an estimates question. This is a political question.

**Senator BIRMINGHAM:** I'm trying to understand—

**Senator WHITE:** Join the ALP then!

**Senator Wong:** Government policy is government policy.

**Senator BIRMINGHAM:** Labor's national platform is not reflected in government policy, and people shouldn't expect it to be?

**Senator Wong:** One is the party, and one is the government.

**Senator BIRMINGHAM:** I thought people voted for the party to become the government. Isn't there a relationship there?

**Senator Wong:** I'm not doing this. If you've got questions about government expenditure—

**Senator BIRMINGHAM:** It is about whether the government lives up the expectations it sets or sets expectations knowing it can't or won't meet them.

**Senator Wong:** I know that some will have a political strategy where they want to wind things up because of the Labor Party platform. We have a national conference. Unlike yours, unlike the Greens and unlike the Nationals, we have an open debate. We have engagement. We let the cameras in, and we have the public debate. We resolve a position. The platform is adopted, but, obviously, government policy is government policy.

**Senator BIRMINGHAM:** This will be my last question, because I see we have officials back here.

**CHAIR:** I'm just mindful that it is 3.15, and we need to make the most of it, because they need to get back to another meeting. Can we move along to that item?

**Senator BIRMINGHAM:** I will just do the last question. Minister, what is the government policy or commitment in relation to ODA as a share of GNI?

**Mr Brazier:** The budget is growing year on year, and we work within that budget. It's the first time it has grown in more than 10 years. With the ODA to GNI ratio, we often look at the numerator. The denominator shifts around. For the purposes of officials programming the ODA budget, that ratio is not terribly relevant to our work.

**Senator BIRMINGHAM:** Alright. I won't prolong the debate that we could have there, Mr Brazier.

**CHAIR:** It being just after 3.15, we'll go to the particular items that we, as a committee, agreed to. I understand that these particular officials can be here for only 30 minutes because they need to get back to another meeting at four o'clock. Perhaps individual senators can talk to me about who has an interest in these matters. I'll start off with Senator Birmingham. I'm mindful people should keep their questions short and hopefully answers short too.

**Senator BIRMINGHAM:** I think we were in the midst of Senator Fawcett when the request was made for Mr Jadwat to be available again, so we'll pick up there.

**Senator Wong:** When we broke off last time, Senator Fawcett, what was the topic? Was it settlements?

**Senator FAWCETT:** When we broke off, we were talking about the sequence of events regarding a couple of announcements that were made settlements and about definitions of occupation.

**Senator Wong:** Thank you.

**Senator FAWCETT:** There was a brief that was provided to the minister in March of '23 with a recommendation to publicly refer to Israeli settlements as 'illegal'. Minister, did you consult with the Prime Minister before you signed off on that change?

**Mr Jadwat:** I'll just talk you through the time line of these submissions. In August of last year, there was discussion in the department about settlements, the legality, including consultations with legal division on this issue. On 27 February of this year, there was a ministerial submission that was provided to the foreign minister's

office on the issue of settlements. We received that submission back on 31 March. Then during March and in the months after that, there were deliberative discussions within DFAT about the use of terminology and nomenclature. We then provided a submission to the foreign minister's office on 23 June on the issue of nomenclature.

**Senator FAWCETT:** When you say you received that back on 31 March, was that back and signed and saying, 'Proceed with this approach,' or was that back and saying: 'Here's a resubmit. Do some more work'?

**Mr Jadwat:** We don't normally go into the content of our submissions to the minister or what she has agreed to or not agreed to. I defer to the minister on what she'd like to say on that.

**Senator FAWCETT:** Is there anything you'd like to add, Minister?

**Senator Wong:** It was the beginning of the process of consideration of these issues—well, maybe not the beginning, but the beginning of the formal process of consideration. We didn't move precipitously, obviously, given the time frame that Mr Jadwat's outlined.

**Senator FAWCETT:** So the process question that I actually asked was: did you consult with the Prime Minister before you signed off on the proposal?

**Senator Wong:** This matter was considered at the senior levels of the government. I think I'm using almost precisely the same words that Senator Payne used on—

**Senator FAWCETT:** You may well be, but I will ask—

**Senator Wong:** Maybe it was the unilateral declaration on Jerusalem—I can't remember—but she said 'the most senior levels of the government'.

**Senator FAWCETT:** Okay, but my question is: did you consult with the Prime Minister? That's your answer. Did you consult with the Attorney-General?

**Senator Wong:** As I said, the most senior levels of the government.

**Senator FAWCETT:** Did the decision go to cabinet?

**Senator Wong:** We don't generally discuss what does or doesn't go to cabinet. I will try to recall what I said publicly at the time.

**Senator FAWCETT:** Okay. Documents released under FOI showed you had an introductory call with Israel's foreign minister, Mr Cohen, or at least a call scheduled for 21 June 2023. Did that call go ahead?

**Senator Wong:** Sorry, but can I return to the previous question? I previously indicated publicly I did consult with the Prime Minister and relevant ministerial colleagues.

**Senator FAWCETT:** Who, I will grant you, are at the senior levels of government, but thank you for that detailed clarification.

**Senator Wong:** Sorry; what was your next question?

**Senator FAWCETT:** FOI documents said there was a call with the Israeli foreign minister, Eli Coen, scheduled for 21 June this year. Did that call go ahead?

**Mr Jadwat:** There was definitely a call. We'll just have to confirm the actual date for you. I can get that to you very quickly.

**Senator FAWCETT:** Let's assume it's in June some time. The FOI said the 21st, so let's take that as a rough planning figure. Was that the first call between the foreign minister and Foreign Minister Cohen?

**Mr Jadwat:** Yes, Senator.

**Senator FAWCETT:** And was the decision to change how settlements are described flagged to Foreign Minister Cohen at that time?

**Mr Jadwat:** We don't get into the content of confidential discussions between our ministers.

**Senator FAWCETT:** Sure. So when was the government of Israel first advised of that change?

**Mr Jadwat:** In relation to the issue of nomenclature and how we publicly affirmed that settlements were illegal, that was done on 7 August, when Deputy Secretary Maclachlan informed Israel's ambassador to Australia, and then our charge in Tel Aviv informed the Israeli foreign ministry prior to Minister Wong's statement on 8 August.

**Senator FAWCETT:** So it's fair to say, going to the time frame you gave us, the decision was essentially made at the end of March, but then the government of Israel was informed in August?

**Mr Jadwat:** No.

**Senator Wong:** No, that's not right. The first—

**Mr Jadwat:** In terms of going through that time line, the submission that went to the foreign minister in relation to nomenclature was on 23 June, but there were discussions about settlements and about all the issues relating to Israel and the Occupied Palestinian Territories in the months from February right up until June.

**Senator FAWCETT:** Sure. Part of the rationale that has been publicly made was like-minded nations have a similar approach. The joint statement with the UK and Canada on 1 July 2023 didn't use the word 'illegal'. If we had decided by then that we were going to, and our like-minded friends supported that position, why did that statement not use the word 'illegal'?

**Mr Jadwat:** Senator, I'll read out to you some of what that statement said:

... the Government of Israel's approval ... of over 5,700 new settlement units in the West Bank.

The statement also outlined concern at changes to the settlement approval process which facilitates swifter approval of construction and settlements. The statement affirmed:

... continued expansion of settlements is an obstacle to peace and negatively impacts efforts to achieve a negotiated two-state solution. We call on the Government of Israel to reverse these decisions.

In terms of describing it as illegal or not illegal, in terms of discussing that negotiation with those countries, that was done in capitals. I can take it on notice in relation to how the statement was finalised, but—yes, it did not refer to them as illegal, but the government's policy was only reaffirmed in August, which was just after that statement was put out in July.

**Senator FAWCETT:** Sure. So, the second brief was put up, as you said, in June, which also went to the question of Occupied Palestinian Territories. Am I correct that the June submission covered that topic?

**Mr Jadwat:** Yes.

**Senator FAWCETT:** Did the minister's office request that second brief?

**Mr Jadwat:** We have ongoing discussions with the foreign minister's office on a variety of issues. As to whether the minister's office requested it or not, all I can say is there were regular discussions throughout the course of this year on this issue.

**Senator FAWCETT:** Could you take that on notice for us? I'd be interested to know if there was any correspondence or if there was any request—verbal, written—for a brief on that topic at that time?

**Mr Jadwat:** We can do that, Senator.

**Senator FAWCETT:** Thank you. Media reports indicate that it was supposed to be signed by 29 June but 'there was a delay reportedly allowing for consultation within government and externally'.

**Senator Wong:** Isn't that a good thing?

**Senator FAWCETT:** Yes, it is. I'm interested to know who within government was consulted over that and who externally? And was that by DFAT, by the minister, by the minister's office?

**Mr Jadwat:** I don't have anything further to add other than the minister's office received that submission on 23 June. I understand there were consultations within government, but I can't add in anything further than we received the returned submission at the end of July, I think. That was how the process worked from the DFAT perspective.

**Senator Wong:** I'll see what further information I can provide on notice.

**Senator FAWCETT:** Thank you. Given that Israel unilaterally withdrew from Gaza some years ago—I'm aware that there are some bodies internationally who maintain that Gaza is still occupied by Israel—what is the department's position? Do you still support the contention in the FOI'd brief which said that Gaza is occupied by Israel?

**Mr Jadwat:** Yes. The international community widely accepts Gaza as among the Occupied Palestinian Territories, and our position is consistent with this. Even though Israel may no longer maintain a permanent military presence in Gaza, it remains the occupying power and retains control, including the land borders, maritime borders, air space, energy, movement of goods. My colleague from the legal division may wish to add to that.

**Ms McKenna:** The use of the term 'occupied' is consistent with UN Security Council resolutions and the approach taken by the majority of the international community. I would note that the International Committee of the Red Cross and several UN commissions of inquiry and fact-finding missions have concluded, as recently as May 2022, that Israel remains in occupation of Gaza by virtue of the control that it still exercises over key elements of authority, including over Gaza's borders, as Mr Jadwat has outlined.

**Senator FAWCETT:** In your view, does that include the border at the south of Gaza with Egypt?

**Ms McKenna:** In using the term, we have clarified that we are referencing the West Bank, including East Jerusalem and Gaza.

**Senator FAWCETT:** Sure. I'm asking specifically: is it your position that Israel controls the border between Gaza and Egypt?

**Mr Jadwat:** In the current context, of course, going back to what Deputy Secretary Maclachlan said earlier this morning, there are obviously complications at this point in time in relation to that particular border crossing. I don't want to get into that any further other than to say we refer to Gaza as being part of the Occupied Palestinian Territories, and we see Israel as the occupying power.

**CHAIR:** Senator Fawcett, do you have further questions? I'm mindful of the time, and I do need to hand to some of your other colleagues.

**Senator FAWCETT:** I do have some others. I'm happy to place some—

**CHAIR:** We're already halfway through the half-hour slot.

**Senator FAWCETT:** on notice. The one last question I would like to ask, particularly given that we are all deeply concerned by the actions of Hamas, goes to the motivations of people. There've been concerns raised, which I've raised in estimates consistently, about funding to UNWRA and the syllabus that's used in schools. That was raised at the last estimates, and I'd like to know what's occurred since then in terms of DFAT's own investigations into the revelations we've seen from foreign partners about the extent of the ideological indoctrination of racial hatred and violence by the syllabus which has been facilitated by UNWRA.

**Mr Jadwat:** Yes, in relation UNWRA and the textbooks, we did follow up with UNWRA. I visited Israel and the Occupied Palestinian Territories in July and August this year. I met with the deputy special coordinator for the United Nations. I met with UNWRA officials and visited an UNWRA school. We spoke about that issue. UNWRA is required to use host country curricula in its schools so students can take state examinations and transition to host country schooling and tertiary education, but they also have significant controls in place. We discussed all of the various due diligence measures that UNWRA takes to ensure them. They employ over 30,000 people, so there may well be, unfortunately, a few people who may use the opportunity to unfortunately engage in antisemitism or incitement, but I was assured. We have also undertaken a strategic review into our aid funding, and there's a preliminary report that we're in the middle of receiving at the moment.

I also note that the European parliament directed criticism towards the Palestinian Authority in April this year in relation to incitement textbooks but not to UNWRA. The resolution by the EU parliament specifically commended UNWRA in terms of its adherence to UNESCO standards and the critical role that it plays in providing education to Palestinian children. So we do have significant control measures in place in what we do in terms of our funding to UNWRA, but the leadership of UNWRA has assured us that they're doing everything they can, and there's constant monitoring and checking to ensure that incitement that has happened in the past will never happen again.

**Senator FAWCETT:** How can we make that statement in light of a number of international reviews that highlight that this is not a few bad eggs. There's fairly widespread endorsement that's been picked up through comments and things that have been said on social media by staff et cetera. More to the point, if the system in place says that UNWRA is constrained to use the textbooks of the host country, and those textbooks incite violence and racial hatred, why would Australia be funding a process, albeit through an intermediary, UNWRA, that facilitates that inculcation of children?

**Mr Jadwat:** Yes, UNWRA are required to use host country curricula, but they also have reviews of the educational material on a regular basis, and they provide training to teachers to ensure that material is presented to students in a manner that's consistent with UN values. That includes omitting any offending content where appropriate. That is what they have assured us that they do on a regular basis. In terms of UNWRA itself, it is the only UN body with a mandate to provide relief and social services to Palestinian refugees in Gaza, the West Bank and neighbouring countries, and it will remain indispensable until there's a durable solution to the refugee problem. If they were not operating there, they would create a vacuum. That vacuum, unfortunately, would be filled by extremists, including Hamas.

**CHAIR:** Thank you very much, Senator Fawcett. Senator Birmingham, you've only got a few minutes, and then I have to hand over the call for a minute to the deputy chair. Then I'm going to move the call on to the Greens.



**Senator BIRMINGHAM:** Okay, I will seek to be fast then. Why, for the second year in a row, has Australia declined to support the joint statement of the Human Rights Council this year by 27 nations—last year, it was by 22 nations—in relation to the disproportionate attention given to Israel by the council and the open-ended mandate of the commission of inquiry with no sunset clause?

**CHAIR:** Are these officials not part of the other team? They could answer this after—

**Senator Wong:** This is about the UN.

**Senator BIRMINGHAM:** Well—

**Senator Wong:** It's multi-layered, I know. I'm just saying—

**CHAIR:** I'm just trying to manage the time here.

**Senator Wong:** Ms Smith here will be more able to answer.

**CHAIR:** Alright. Keep going.

**Senator BIRMINGHAM:** I'm happy to save this question for later. But it definitely relates to government policy on the Middle East but how it's reflected at the UN.

**Senator Wong:** Sure.

**Ms Smith:** Senator, the statement you're talking about was at the Human Rights Council in the last session that it had, in September/October—is that correct?

**Senator BIRMINGHAM:** June 20.

**Senator Wong:** Not 2020 but 20 June?

**Senator BIRMINGHAM:** It was 20 June 2023. I am happy to do this later.

**Ms Smith:** Yes, I might come back to you, because I've got information on the last session, but I'd have to—

**Senator BIRMINGHAM:** If we have officials who can address this part of government approach to Middle East policy, without detaining Mr Jadwat, then that is fine.

**CHAIR:** Is that your line of questioning, Senator Birmingham?

**Senator Wong:** Does it relate to UN bodies' voting decisions?

**Senator BIRMINGHAM:** That's the focus I was going to take, so let's go to Senator Chandler.

**CHAIR:** Alright. I will hand over to the deputy chair.

**Senator CHANDLER:** Thank you very much. On 10 October, a US state department spokesperson said:

We absolutely think that other countries should designate the IRGC as a terrorist organization. It's a position that we've made clear a number of times. They finance terrorist activities, they have around the world for some time, and we think that other countries should take that step of designating them.

With this clear message from our AUKUS ally, can the Albanese government please consider, once again, the coalition's offer to work with the government to amend legislation to allow a listing of the IRGC?

**Mr Jadwat:** In relation to the IRGC listing, I think, as we've discussed before, it's a matter for the Attorney-General's Department. Currently, the criminal code does not allow for an organ of a nation-state to be listed as a terrorist entity. At the same time, as you would be aware, the government has imposed sanctions on IRGC entities as well as IRGC individuals over the course of its term in government.

**Senator CHANDLER:** I know my colleague Senator Paterson has pursued those issues with the AGD during the week as well. I think we have the response that we need there. We also spoke earlier today about Asa'ib Ahl al-Haq, a group that, as I said, I've been keeping a close eye on since the Australian ambassador met with Qais al-Khazali earlier this year in Iraq. That group certainly appears very keen to make it known publicly that they are involved in attacking coalition forces in Iraq and have offered to provide fighters to support Hamas. Can DFAT look at the activities of Asa'ib Ahl al-Haq and the other members of the Islamic resistance in Iraq and work with the AGD on whether they, like Hamas and Hezbollah, could be listed as a terrorist organisation?

**Ms Adams:** To be fair, I don't think that's exactly your responsibility either, Mr Jadwat. As to the question of potential future sanctions, I think we are happy to work with you—preferably not in open forums—on those issues.

**Senator CHANDLER:** Okay. Thank you, Secretary. That's all, Chair.

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

**Senator STEELE-JOHN:** I will be brief, and Senator Shoebridge has two questions as well. Thank you for returning, even though we said you could go; it is very much appreciated. I want to ask you a question in relation to the crisis in Sudan. The UN has said this week:

Over six months since conflict broke out in Sudan, more than 5.6 million people have fled their homes and 25 million need aid to survive, in what has become "one of the world's fastest-growing humanitarian crises".

Medecins Sans Frontieres has said that the Sudanese medical system is 'on the verge of collapse'. Only a third of the overall humanitarian appeal has, at this point, been funded. Could you please detail all of the new funding that has been provided to Sudan in the last six months and, specifically, how it has been spent—and I mean by Australia.

**Mr Jadwat:** I'm sorry—could you clarify: the funding that we've provided to Sudan?

**Senator STEELE-JOHN:** Yes—humanitarian aid and assistance.

**Senator Wong:** That's different.

**Mr Jadwat:** My colleagues Beth Delaney, the head of—

**Senator Wong:** That's humanitarian assistance.

**Senator STEELE-JOHN:** Alright. Well, when we talked about Sudan earlier, it was for that group.

**Senator Wong:** Policy? Development assistance.

**Senator STEELE-JOHN:** I'll move on. It may be that another one of the questions is for the group. If not, I'll move to Senator Shoebridge. I've got a question about whether the government is considering further humanitarian aid to Sudan—that would be a question for you?

**Ms Delaney:** Yes.

**Senator STEELE-JOHN:** Is the government engaged in bilateral or multilateral efforts to call for the parties to the conflict to engage in a ceasefire? Our multilateral or bilateral efforts—would that be Middle East division?

**Mr Jadwat:** Yes. I'll let my colleague Ms Delaney answer the humanitarian question and I'll answer the question on the diplomatic efforts.

**Senator STEELE-JOHN:** We'll do humanitarian later, because I'm conscious of your time and my colleague's desire to ask a follow-up question. So it's just in relation to our multilateral and bilateral efforts.

**Mr Jadwat:** The Australian government, from the beginning of that crisis, took an active role. We're very deeply concerned, of course, by the events in Sudan, and we've raised our concerns bilaterally with the Sudanese authorities in multilateral fora and also to international partners. We've spoken, of course, to the Sudanese embassy here in Canberra. On 3 May, Prime Minister Albanese thanked the UK defence secretary for the UK's assistance in assisting our own Australians from Sudan. We've had discussions with foreign ministers around the world in relation to the conflict in Sudan and avoiding it also becoming a regional spillover and impacting on states surrounding Sudan. We're very concerned about the growing unrest in that part of the world and, as you would know, the growing number of coups that are happening throughout the region. So the concern about what's happening between the RSF forces and the military there remains a concern of ours. We've had, as I said, consistent consultations with regional partners there. Also, in my role as Special Envoy to the Organisation of Islamic Cooperation, I've spoken to senior officials in the OIC about the crisis in Sudan and about ensuring that countries in the region do whatever they can to contain the conflict, to try and bring them to a negotiated solution, including working with various African multilateral partners as well.

**Senator STEELE-JOHN:** When did you have that conversation?

**Mr Jadwat:** Throughout the course of this year, as the crisis developed, and of course our embassy in Cairo, which is responsible for Sudan, continues to engage with Sudanese officials and with regional countries on this issue.

**Senator STEELE-JOHN:** Would you be able to provide us on notice the last time the embassy did that engagement?

**Mr Jadwat:** Sure, we can do that.

**Senator STEELE-JOHN:** Thank you. Finally—this might not be for you—how many Australian citizens, permanent residents or visa holders are still in Sudan? Is that for you?

**Mr Jadwat:** That's for our consular team.

**Senator STEELE-JOHN:** Okay. I'll pass the call.

**CHAIR:** Senator Shoebridge.

**Senator SHOEBRIDGE:** Minister, just before this session, I was asking questions about the US presidential order of 15 October which extended the emergency declaration in relation to Syria and criticised Turkiye's continuing conduct of a military offensive into north-east Syria, which the US says 'undermines the campaign to defeat the Islamic State of Iraq and Syria, or ISIS, endangers civilians, and further threatens to undermine the peace, security and stability in the region'. Does Australia support the concerns raised by the United States?

**Mr Cannan:** I'm happy to help out on this matter. A number of areas in the department work on issues in northern Syria. What I can say about Australia's position is that we are concerned by the violations of ceasefire agreements, and we expect all sides to do their utmost to preserve those agreements. Australia recognises Turkiye's right to protect itself from legitimate security threats, but it's imperative that all sides protect civilian life and infrastructure. Australia supports a peaceful resolution to the Syrian conflict built upon a political solution and dialogue, in accordance with the relevant UN Security Council resolutions.

**Senator SHOEBRIDGE:** Does Australia agree with the US's position that Turkiye's continued military offensive endangers civilians and threatens to undermine the peace, or are we at odds with the US on that?

**Mr Cannan:** I'm aware of your articulation of the US position.

**Senator SHOEBRIDGE:** I'm reading the executive order.

**Mr Cannan:** What I've articulated is the Australian government's position on this.

**Senator SHOEBRIDGE:** Is Australia going to call on Turkiye to cease its military offensive and to cease the ongoing attack of Kurdish peoples and others in the region? Will there be a clear, unambiguous call from Australia?

**Mr Cannan:** As I said, I've outlined what our position is. We do and will continue to engage with the Syrian government on these matters.

**Senator SHOEBRIDGE:** The Syrian government?

**Mr Cannan:** Sorry—with the government of Turkiye on these matters.

**Senator SHOEBRIDGE:** Does Australia accept that Turkiye's most recent military offensive is a breach of the ceasefire that Australia says should be respected?

**Mr Cannan:** I've expressed our position. The Australian government is concerned by all violations of the ceasefire agreement. As I mentioned, we expect all sides to do their utmost to preserve those ceasefire agreements. I'm not in a position today to make declarations about which action has or hasn't breached a ceasefire agreement, but I think it's important to put that broad position on the record, which I have.

**Senator SHOEBRIDGE:** Have there been representations made by Australia to Turkiye calling out the ongoing attacks and bombings in northern Syria? Have there been representations made to Turkiye to respect the ceasefire?

**Mr Cannan:** What I can say is that the Australian government has discussed issues related to the protection of civilians and humanitarian concerns in our discussions with Turkiye.

**CHAIR:** Last question.

**Senator SHOEBRIDGE:** Why won't the Australian government at least match what the United States has said and call out these destabilising, aggressive actions of the Turkish military and stand up for the rights of the Kurdish people and other people in that region?

**Mr Cannan:** I think I've been fairly clear in what Australia's position is on this matter. If you wish, I can take some of these further questions on notice and come back to you more fulsomely.

**Senator SHOEBRIDGE:** If you have any light to shed on it on notice, please do.

**Mr Jadwat:** I was just going to add, in relation to the Kurdish communities in north-east Syria and also minority communities throughout Iraq and Syria, that we have consistently raised our concerns about the impact of the conflict on these minority communities. In the Iraq context, I did that when I visited Baghdad in July of this year.

**Senator SHOEBRIDGE:** Thanks, Mr Jadwat. Does that include a call for Australia to give aid to the Kurdish and other communities in northern Syria and to the unimpeded access of aid?

**Mr Jadwat:** I have not been involved in any discussions on any further aid programs to the Syrian community. My colleague Ms Delaney may wish to add about the Syrian context.

**Ms Delaney:** In relation to support to the populations of Syria—

**Senator SHOEBRIDGE:** Particularly to north and north-east Syria, where the Turkish violence is happening.

**Senator Wong:** If you let her finish, she'll probably get there.

**Ms Delaney:** The Australian government has provided over \$550 million to the Syrian response since 2011, including \$31.5 million in the 2022-23 financial year. The funding is provided, and then the activities obviously continue. That included the support that was announced in February, which was \$3 million, through UNICEF; \$3.5 million to the United Nations Population Fund, which was in response to the earthquakes in Syria, which, as you are aware, was in north-west Syria; and \$15 million through other partners to assist the broader conflict affected Syrians, including host communities in Lebanon and Jordan. We also provided additional support on 29 May, which was in relation to \$10 million in food and monetary assistance to refugees and vulnerable populations in Lebanon and Jordan. There is support being provided to populations up in north-east Syria. We provide funding which enables partners to provide, in particular, protection and critical humanitarian assistance to those in north-east Syria, including in IDP camps.

**Senator SHOEBRIDGE:** If we could have on notice the specifics of the aid going to north and north-east Syria, where it's particularly hard to get access and provide aid.

**CHAIR:** Okay. Senator Birmingham, you have one clarifying point.

**Senator BIRMINGHAM:** It's not quite a clarifying point—well, it is clarifying, I guess. I have one question. Are there any circumstances in which the government could foresee taking steps to formally recognise the State of Palestine in the life of this parliament?

**CHAIR:** I think you're asking for an opinion there. As per practice, you cannot ask for officials' opinions. I don't know whether the minister wants to add anything.

**Senator Wong:** Currently, I think our focus in the Middle East is the matters we were discussing this morning. But do I think, as I said in my opening statement, that we need a political process to take us towards a two-state solution? Yes, I do. It's difficult to conceive how there will be peace in that region without a two-state solution.

**Senator BIRMINGHAM:** And we talked through some of those processes.

**CHAIR:** We'll now break for afternoon tea and return at 4.10.

#### **Proceedings suspended from 15:52 to 16:12**

**CHAIR:** Minister?

**Senator Wong:** Chair, I wonder if, just for expedience, if Ms Delaney could finish the humanitarian question she was asked before the break?

**CHAIR:** Excellent.

**Ms Delaney:** Thank you, Senator. In response to Senator Steele-John's question around humanitarian assistance to Sudan: in relation to the latest information we had just about the situation, UNHCR is estimating approximately 24.7 million people in Sudan are currently in need of humanitarian assistance with over 5.8 million displaced due to the conflict as at 17 October. That includes more than 4½ million people internally displaced and 1.1 million people who have crossed to Egypt, Chad, Central African Republic, South Sudan and Ethiopia.

In response, the government has provided \$10.45 million in humanitarian assistance, between May and June 2023, to support people affected by the crisis in Sudan and neighbouring countries. That included \$5.45 million to the International Committee of the Red Cross for medical supplies, food, water and sanitation, shelter and protection; and \$5 million to the United Nations refugee agency to meet urgent needs in neighbouring countries, including shelter, food and medical assistance as well as the important role they play in relation to registration and relocation of those on the border to safety.

So far, in relation to that funding, we have fully dispersed it, but of course the activities of those partners continue. For example, the ICRC, who have been able to access health facilities and deliver humanitarian support, have provided surgical supplies to enable the wounded to be treated in 10 hospitals in Khartoum, four in Darfur and six in other regions. They've also provided PPE and first aid kits and donated medicines to cover the primary healthcare needs of over 10,000 people across a range of health centres. Senator Steele-John also asked whether or not we were considering further humanitarian assistance. What I would say is that we are watching the situation very closely. We too are concerned with what we're seeing in relation to the deterioration of the humanitarian situation, both in Sudan and, as I mentioned, in countries that border it. We continue to look at where and how Australia may be best placed to assist. But, just to reassure the senator, the humanitarian community is doing everything that we can to respond at both scale and speed to the ongoing crisis.

**CHAIR:** Senator Faruqi.

**Senator FARUQI:** Hello again, everyone. I'll start with some questions on climate finance. Minister, on 19 September, you made a public statement reaffirming Australia's commitment to contribute, alongside other wealthy countries, a collective US\$100 billion to climate finance each year. How much will Australia actually contribute to the US\$100 billion annual climate finance goal every year? Has a decision been made on that?

**Senator Wong:** I'll ask Ms Tilley or Mr Fox to respond.

**Mr Fox:** The government has strengthened its previous climate finance commitment of \$2 billion. It's now on track to deliver \$3 billion towards the global goal over the period—

**Senator FARUQI:** Is that every year?

**Mr Fox:** 2020 to 2025.

**Senator FARUQI:** The minister and the department would be aware that development agencies, including Oxfam, Caritas, ActionAid and others, have estimated that Australia's fair share of climate finance is actually \$4 billion per annum. Is there any discussion about whether the government will increase the climate finance to \$4 billion a year over this period? You said \$3 billion over the 2020-25 period. They're saying the fair share is \$4 billion a year. Is the government looking towards increasing climate finance to \$4 billion a year?

**Ms Tilley:** Can I ask, before I answer: who did you say said Australia's fair share was \$4 billion?

**Senator FARUQI:** Many development agencies put together a report, including Oxfam, Caritas, ActionAid and others. The report is called *Falling short: Australia's role in funding fairer climate action in a warming world*.

**Ms Tilley:** The UN, where that decision for US\$100 billion was taken, doesn't apportion fair shares.

**Senator FARUQI:** So your answer is that the government will not increase the contribution to the climate finance fund to \$4 billion a year?

**Ms Tilley:** The government has announced that it's strengthening its contribution to \$3 billion in total over that period.

**Senator FARUQI:** Is there any discussion about what's going to happen after that?

**Ms Tilley:** There are discussions in the UN about the next global finance goal that will follow the current one.

**Senator FARUQI:** So, basically, it's less than a billion a year. The government, Minister, is willing to sink more than half a trillion dollars into dirty war machines and tax cuts for the wealthy and is not willing to give a mere \$4 billion a year in a fund to actually support Global South countries who are facing the brunt of the climate crisis, to which Australia is a big contributor. That's a shame.

I'll move on to loss and damage. It's been 11 months since the Loss and Damage Fund was agreed to by countries, including Australia, at COP27 in November 2022. I don't think the government has committed any contribution to the Loss and Damage Fund yet. When will the government make a commitment to contribute to the Loss and Damage Fund? I know I've asked these questions previously, and I know there are plans emerging, but I want to know if there is now any concrete plan of when it will happen.

**Ms Tilley:** I will answer that very shortly. Just to clarify: apologies. I hadn't heard the way you phrased the last question. I understand that you asked about Australia's contribution to a global climate fund. Our answers around the government's position of contributing \$3 billion in total climate finance were for across a range of sources. It's not to one particular fund.

**Senator FARUQI:** It's not to that \$100 billion per year fund?

**Ms Tilley:** There isn't a \$100 billion per year fund. There's a global commitment that developed countries provide \$100 billion in total across a range of new commitments.

**Senator FARUQI:** Yes, that's right; that's fine.

**Ms Tilley:** There's not a single fund. As I've indicated previously, the loss and damage fund—and I will caveat that it's the department of climate change that leads on this particular issue in the negotiations, but I do keep in regular touch with them—doesn't yet exist. The decision at COP last year was to establish a loss and damage fund and other funding arrangements that parties could avail themselves of to support loss and damage in developing countries. That fund does not yet exist. Throughout the course of this year, countries have been engaging in discussions on a range of issues around the design of that fund, with a view of putting advice to COP in order to turn on or establish such a fund. The fund doesn't exist yet.

**Senator FARUQI:** So there's no discussion yet about how much Australia will contribute to the fund?

**Ms Tilley:** There isn't. What the government has said publicly is that when that fund is agreed, and the details and design of it are agreed, the Australian government would then consider its position on funding.

**Senator FARUQI:** So the department has provided no advice to the government on that contribution because, as you said, the fund doesn't exist yet?

**Ms Tilley:** The only advice has been around the fact that this negotiation and discussion on the design and the standing up of a fund is the focus.

**Senator FARUQI:** A report from Jubilee Australia shows that in the five years after the Paris Agreement, the World Bank, the Asian Development Bank and the Asian Infrastructure Investment Bank together provided \$32.85 billion to fossil fuel projects. Australia makes significant aid contributions to these banks, is a major shareholder and has appointed directors to their boards. I think that would give Australia leverage to influence decisions at these banks as well. Is the government planning to take any action to influence these banks to stop financing fossil fuel projects?

**Mr Fox:** The MDBs—such as the World Bank and Asian Development Bank, as well as AIIB—have all amended their policies to align financing flows with the goals of the Paris Agreement. In the case of the World Bank Group, their climate action plan has reaffirmed the World Bank Group's opposition since 2010 to the financing of coal-fired-power projects. In ADB's case, since 2021 their energy policy has banned the financing of new coal-fired plants. And in the case of AIIB, since November 2022 their Energy Sector Strategy bans abated coal projects. In each case, the Australian representatives on the board have been involved in the development of those policies.

**Senator FARUQI:** What you're saying is that all three banks I named—the World Bank, Asian Development Bank and Asian Infrastructure and Investment Bank—do not now fund fossil fuel projects. Is that what you said?

**Mr Fox:** In relation to coal-fired—

**Senator FARUQI:** So just coal-fired—but there could be other fossil fuel projects that they're still funding?

**Mr Fox:** I'm happy to take it on notice.

**Senator FARUQI:** If you wouldn't mind taking it on notice. Would you also take on notice if the Australian representatives on those boards have actually discussed with those banks not to fund any fossil fuel projects? I would appreciate that.

I have a question on transparency in international aid. I know the department has said that it will measure its progress on transparency against Publish What you Fund's Aid Transparency Index from 2025. Last year, Australia ranked at the very low end of this index. As you know, many have called for the re-establishment of the former Office of Development Effectiveness and the Independent Evaluation Committee as part of the new development policy, and I know that Labor heavily criticised the coalition for abolishing these bodies in 2020. Given this, I'm just wondering if the government will re-establish them to improve transparency in aid?

**Mr Brazier:** The new development policy and the associated implementation plans do set out ambitious goals around improving the transparency of the work that DFAT conducts through the IDA budget. Chief among the initiatives aimed at achieving that is the establishment of a portal which will provide public access to a whole host of data around all aspects of the program, including monitoring and evaluation, so that Australians can have increased confidence that the aid program is having the impact that we want it to have.

**Senator FARUQI:** But there's no move to re-establish these agencies; am I right?

**Mr Brazier:** They're not agencies.

**Senator FARUQI:** The office and the committee.

**Mr Brazier:** Right. We do not plan to re-establish those. Transparency doesn't hinge on the re-establishment of those entities. We believe we can achieve the same effect with the establishment of this portal.

**Senator FARUQI:** So the government is hoping to get higher up in that ranking, I'm presuming.

**Mr Brazier:** Well, we don't make these changes in pursuit of rankings. We make these changes in pursuit of a more effective aid program.

**Senator FARUQI:** I'd like to very quickly go back to the question of loss and damage. Is the government doing any negotiating with other countries to hasten the process of establishing the loss and damage fund? I know it hasn't been established yet, but is there any advocacy that is happening so it can be quicker? There are calls from our neighbours in the Pacific countries as well, who are obviously facing the brunt of the climate crisis. Is there anything happening there?

**Ms Tilley:** At the most recent meeting of what's called the transitional committee, which was over the course of late last week, Australia did publicly support a proposal put forward by the US and by the EU for the World Bank to—there are different descriptions—effectively run, support and house the fund, depending on the design that ultimately parties at the COP28 may agree this year. One of the key reasons we support the World Bank proposal is that it would almost certainly expedite the operationalisation of that fund to allow it to start providing funding to where it's needed quickly.

**Senator FARUQI:** I have a couple of questions on aid in Afghanistan, if that's okay? Since the return of the Taliban to power in Afghanistan in August 2021, Hazaras and other religious minorities have been specifically targeted. That is my understanding on the ground there. What is the government doing to work with partners on the ground to ensure that aid is reaching communities most in need, such as the Hazaras?

**Mr Cowan:** I think the first thing to say is that we appreciate that the situation in Afghanistan is very bad. It's experiencing one of the world's worst humanitarian crises, with over 29 million people needing humanitarian assistance. At the same time, as you know, the Taliban is abusing the human rights of women and girls, along with ethnic and religious minorities, political opponents, human rights defenders and so on. The Taliban has also issued over 75 decrees and edicts that limit women's and girls' education ability and use of public spaces.

As a response to that, Australia has been standing with the Afghan people. We've provided some \$161½ million since September 2021 in humanitarian and basic needs assistance. We're also supporting the UN in efforts to push back the Taliban edict banning women from working in the UN and NGOs. Of course, we are somewhat limited in what we can do on the ground. We don't have a presence there now, and we work through international organisation partners. I can give you a little bit of detail on the program that we have been supporting, if that is useful.

**Senator FARUQI:** If that is ensuring aid reaches communities most in need, that would be good. And also, as you rightly pointed out, there's the issue of women and girls really suffering at this time to the extent it's being called a gender apartheid. Could you particularly pinpoint what the government is doing to end the gender apartheid and if anything that is happening, from your knowledge, is actually having an effect? And when was the \$161 million given? That was in 2021. Has there been any more since then?

**Mr Cowan:** The \$161½ million has been through a range of partners, and I can take you through what they are. It is ongoing. Our annual appropriation—

**Senator FARUQI:** Maybe you could provide that on notice, if you wouldn't mind.

**Mr Cowan:** Absolutely.

**Senator FARUQI:** If you have any knowledge of what impacts it is having on the two particular groups that I have mentioned, that would be useful information.

**Mr Cowan:** I can take those two things on notice and provide that back to you.

**CHAIR:** I'm going to hand the call over to Senator Green.

**Senator GREEN:** I have some questions about the Pacific. Could you give the committee a bit of an update on some of the challenges that are facing countries in the Pacific right now? Obviously, high level.

**Ms Peak:** Indeed. At a high level, I would say there are three main challenges that the Pacific is facing as a region and that have been well discussed in the Pacific Island Forum among leaders. The first—perhaps no surprise—is climate change. The second is economic recovery, particularly in the wake of COVID, and the third is strategic competition.

On climate, you would be aware that the Pacific as a region has described it as the single greatest threat, and we are seeing the impacts of that right now, as Cyclone Lola passes over Vanuatu. Can I say, our thoughts are with the people of Vanuatu, facing their third cyclone this year. We certainly stand ready and are, indeed, supporting the people of Vanuatu.

On economic recovery, we know that the Pacific faced contraction through the COVID period and was worse hit than many other regions. They're struggling with fiscal impacts as well as accelerated public debt.

Strategic competition: leaders in the Pacific, are very clear eyed about the fact that, like many parts of the world, this part of the world is not immune from the impacts of strategic competition.

**Senator GREEN:** On those challenges, those threats, that we're talking about, I know it might be difficult to outline every program, but what are the responses that Australia is doing to those three different issues? How are we helping our partners in the Pacific to deal with climate change, strategic competition and also responding to the pandemic?

**Ms Peak:** On climate change, we're supporting and working with the Pacific on a number of levels. One is at a normative level. This region has been at the cutting edge of international law in terms of creating new norms, not least with declarations on, for example, retaining the exclusive economic zone in face of sea level rise. We're also very focused on raising Pacific voices on the international stage. Of course, Pacific countries have had a huge impact and have already significant and very credible voices on the international stage. But through our offer to host COP31, through recent announcements that the foreign minister made, including supporting Pacific pavilion at COP and supporting eight leaders and ministers from the Pacific who are called the Climate Champions, we are accelerating Pacific voices on the international stage. We also have supported the Pacific in very practical ways. You heard earlier about our increased climate finance contribution and some recent new initiatives have been, for example, \$30 million to contribute to a weather-ready project to allow forecasting for weather events and an accelerated support for renewable energy in the region. That's just a few highlights.

**Senator GREEN:** We might go to strategic competition and talk about some of the things that Australia is doing in the region. Just to be clear, we've probably traversed, in this committee and in other forums, China's approach to the Pacific, and we've seen it particularly in the Solomon Islands. I'm assuming that China's approach hasn't changed in the last 18 months.

**Ms Peak:** I guess the first thing that I should say is that we respect the sovereign choices of all countries, including those in the Pacific, to engage with countries. But it's no surprise that China is seeking to expand its engagement in the Pacific, as it is in many parts of the world, and to advance its interests. It has a lot to offer as a major economy. It has a lot to offer as a development partner. Like Australia, many in the Pacific are seeking to navigate their relationship with China. Where the debate centres is around China's engagement on security matters, and that's really centred in the understanding that the security decisions one country takes can affect the security of all of us. That's why in institutions like the Pacific Island Forum there is significant debate on security. There are calls for transparency. And that's why leaders have, for example, reasserted that our region would like to take a Pacific family-first approach to peace and security and why leaders have also said that, when countries engage with the region, they should do so as a collective so that the region can be unified in its approach.

**Senator GREEN:** That's helpful because I have some questions about the PIF and their views. I understand that recently the Solomon Island signed an MOU on police co-operation. What do we understand that MOU to include, and what actions has the department taken as a result of that agreement being signed?

**Ms Peak:** During Prime Minister Sogavare's visit to China an implementation plan was signed regarding police cooperation. The Solomon Islands government has explained that as being an implementation of the earlier agreement that was signed in March 2022. Australia has raised its concerns about this implementation plan at multiple levels, premised on the norms that I mentioned earlier about the Pacific, as a region, having indicated that we want a Pacific family-first approach to peace and security where we take care of our own security first.

In those exchanges, I should note that the Solomon Islands government has reiterated its assurances to us that we are their primary security partner, that the government would come to Australia first on security needs and that there would neither be a foreign military base nor a persistent security presence. We are seeing that play out as we provide security for the Solomon Islands government through the Pacific Games, which will commence shortly, and through its election. The Solomon Islands government has asked Australia, Fiji, PNG and New Zealand to provide that security, and has assured us that fills their security requirements for that period.

**Senator GREEN:** You referred to the PIF leaders summit, which is approaching. It's pretty obvious that strategic competition will be on the agenda at the summit, but will they be discussing the Solomons-China policing implementation at the PIF. What's been the general approach of forum leaders to regional security in that respect?

**Ms Peak:** Ultimately it will be up to Pacific leaders regarding what they discuss. They have a very unique format where there's a retreat in which it is just leaders for a substantial period of time. But, as you say, it's very common to discuss the strategic circumstances of the day. No doubt many of the issues discussed in this committee today, including what is happening in the Middle East and Ukraine, will be discussed as well as strategic competition. One of the benefits of having a regional forum is transparency. Whether it relates to the Solomon Islands policing implementation plan or other matters that might affect regional security, it is a very useful forum to have dialogue, transparency and understanding about how these things might affect the region.

**Senator GREEN:** In response to the concerns or needs of our Pacific partners—and, as we know, regional security is always top of mind in these conversations—can you give me an update on the measure that was announced in the budget regarding the Enhancing Pacific Engagement package and some information about what that package is assisting Pacific partners with? What are the types of security assistance in the region that we're able to provide with that funding? I think it was \$1.4 billion over four years.



**Ms Peak:** One of the features of the last budget and that package is that they took much a whole-of-government approach. There are 13 agencies involved, and it's really an example of using all of our tools of statecraft to support the Pacific. It was a \$1.9 billion package, and you're right that \$1.4 million of that was particularly focused on peace and security.

**Senator GREEN:** I understand that there are components that aren't delivered by your department, which deal with cybersecurity or, one of the ones that comes up in our region, managing fisheries and assistance with maritime movements.

**Ms Logan:** You're absolutely correct. In response to the identified priorities and needs of Pacific leaders, we are providing security to Pacific countries across a range of areas. That does include law enforcement and criminal justice partnerships in traditional security areas but also in maritime security and illegal fishing, and providing additional support for cyber-resilience. That latter element of cyber capacity building for critical infrastructure protection better positions Australia also to respond to requests for assistance following cybersecurity incidents. I'm very pleased to report that, earlier this month, Australia and other partners were able to collaborate with Pacific islands to hold the first Pacific Cyber Capacity Building and Coordination Conference in Suva. That will guide our ongoing cyber engagement across the Pacific.

**Senator GREEN:** I'm going to get the cut-off in a second. To finish off, this funding and this investment across government, as I understand it, is in addition to funding provided through ODA that is allocated to the Pacific. Is that right? What's the additional funding? I think you referred to it before, Ms Peak, but I would like to understand what that funding is.

**Ms Logan:** That's absolutely right. These new budget measures are in addition to around \$1.91 billion in ODA that's been provided to the Pacific in 2023-24 and will support one of the biggest security challenges the Pacific has identified, which is, of course, climate change.

**CHAIR:** Senator Cox.

**Senator Wong:** I think Ms Peak has one thing to add.

**Ms Peak:** Very briefly, Ms Logan mentioned a lot of things that we're doing, both bilaterally and regionally. One final point that I wanted to underline was that we really don't assess that things will go back to the way they were before. It is a congested region. Our interests will continue to be contested, and we will need to keep accelerating our efforts in the Pacific.

**CHAIR:** Senator Cox.

**Senator COX:** I'm going to ask some questions about the *Indigenous diplomacy agenda*. I know it's only been a short time since your Ambassador for First Nations People has been in place. My questions circle around the diplomacy agenda, and I note some of the comments that you have on your website. It says:

We reaffirm our support for the objectives of the *2007 UN Declaration on the Rights of Indigenous Peoples* and the *Outcome Document of the 2014 High-Level Plenary of the UN General Assembly known as the World Conference on Indigenous Peoples*.

Can you explain how this is going to be achieved in relation to the leadership and addressing some of the barriers to the participation and benefiting of Indigenous peoples in relation to international initiatives?

**Ms Smith:** As you are probably aware, the domestic implementation of the UN Declaration on the Rights of Indigenous Peoples is led by the National Indigenous Australians Agency. We are, though, certainly engaged in the international discussions, and, in fact, Ambassador Mohamed attended the UN Permanent Forum on Indigenous Issues in April. He also travelled to Geneva later in the year to participate in the Expert Mechanism on the Rights of Indigenous Peoples. That's certainly part of the agenda of the ambassador, and it's been an ongoing agenda of the department.

As part of the ambassador's role and the work that the department will do in developing and implementing a First Nations approach to foreign policy, we are looking at how to not just work within those two frameworks, if you like, but how we more broadly represent the modern identity of Australia, including our First Nations history and identity and also deliver for Indigenous people on their interests and issues internationally. The ambassador has only been in the role for a number of months but he's already been around to every state and territory, consulting with our First Nations community groups, chambers of commerce—I think something like 75 different engagements—in order to hear from communities, leaders and others what it is they want out of a First Nations approach to foreign policy.

**Senator COX:** Given there is a private senator's bill in the name of Senator Thorpe on the implementation of an UNDRIP, will the government be supporting that bill and its implementation and if not, why not, Minister?

**Ms Smith:** The bill is, as far as I'm aware, is on domestic implementation. I can't—

**Senator COX:** That is right but is it in UNDRIP?

**Ms Smith:** Yes.

**Senator COX:** If Ambassador Mohamed is taking carriage of that, does he work in an IAA or does he work in DFAT?

**Ms Smith:** In DFAT.

**Senator COX:** That's why I directed the question to you.

**Senator Wong:** It is a private senator's bill, isn't it?

**Ms Smith:** Yes.

**Senator Wong:** But my recollection is—I haven't looked at it for some time—it did deal with domestic implications. We wouldn't be the lead portfolio on that bill.

**Senator COX:** Your website says:

The Department of Foreign Affairs and Trade (DFAT) will lead on the implementation and reporting of the Indigenous Diplomacy Agenda, on behalf of the foreign affairs and trade portfolio.

How are you going to achieve this if we keep making sure that we're kicking it to the black agency, not taking responsibility or making systemic change across other departments and letting the department of foreign affairs take responsibility for this? How is this being resourced within the Indigenous diplomacy program and the agenda?

**Senator Wong:** I think the point that Ms Smith is making is whether or not the government supports a private senator's bill is not the nub of the policy question. The point is, if you are asking for a government decision on that legislation, I can't recall what our position is on that but I don't believe I'm the minister that would look at that and take that decision, because it deals with how across government that would be domestically implemented.

**Senator COX:** Okay, so, Minister—

**Senator Wong:** Can I take on notice who?

**Senator COX:** If the government doesn't support the bill and its implementation into domestic policy, then what is that you are going to do, led by your First Nations ambassador, to ensure that all of these things line up underneath it and report against it effectively? Because they're very loose words, 'Oh yes, but the responsibility lies with NIAA.' It's actually the responsibility of your department, which has put in place a First Nations ambassador. We can't keep flying people to a permanent forum saying one thing, coming back here and there's nothing happening in its implementation.

**Senator Wong:** Well, that's a political point. I am going to push back on your assertion that it's our responsibility. There are administrative arrangements which are made, where certain responsibilities are allocated to particular portfolios and ministers are sworn to administer those portfolios. So there is a question here about who does what. But I think your question—let's forget about Senator Thorpe's bill—actually goes to the support or otherwise for all of the aspects of that declaration, which, from recollection, also includes obligations which would apply to state governments. We can do what we can to get you a more substantive answer on that, if I could take that on notice.

**Senator COX:** That would be great, thank you, Minister. My final question is: Given that you are trying to line up your Indigenous diplomacy agenda consistent with the 2030 agenda on sustainable development and leaving no-one behind, how will your department pursue initiatives that invest in the leadership of Indigenous women and girls? In what ways is your government ensuring that Indigenous people are included in those discussions, and what level of investment have you made into the leadership of Indigenous women and girls under this agenda?

**Mr Brazier:** Sorry, did you mean the leadership of Indigenous—

**Senator COX:** There is a very specific paragraph there.

**Senator Wong:** I think he is wanting to know is it in the department or more broadly?

**Senator COX:** Well, either one of you can answer it. Where is the leadership of Indigenous women and girls in this agenda under Indigenous diplomacy? What does that look like for the department?

**Ms Smith:** The department has an Ambassador for First Nations People and an Ambassador for Gender Equality. They work very closely together, as our thematic ambassadors do. The department has a very clear policy around gender equality in the aid program, for instance. Certainly, in the work that the Ambassador for

First Nations Peoples is doing, we're ensuring that he is engaging with men and women as he's undertaking his consultations domestically. When we are advocating for the rights of Indigenous peoples internationally, which is part of his role also, we absolutely take on board and implement the gender equality commitments the government has made, as well as our commitment to Indigenous rights.

**Senator COX:** So we have a male ambassador asking Indigenous women and girls about leadership through DFAT. Is that what you are telling me?

**Ms Smith:** The Ambassador for First Nations Peoples is a man, but we also have other staff—

**Senator COX:** There are clear cultural boundaries about doing that, I'm pretty sure you are aware. Then you have the Ambassador for Gender Equality coming in over the top of that and trying to ask us about our leadership. Is that what you're saying?

**Ms Smith:** I wouldn't say 'coming in over the top and asking about the leadership' at all. The Ambassador for Gender Equality, as is the Ambassador for First Nations People, is an externally facing role; it is not a role for the Ambassador for Gender Equality to be working domestically but does consult domestically.

**Senator COX:** Can you give me a tangible—

**Senator Wong:** Senator Cox—

**Senator COX:** Yes, Minister?

**Senator Wong:** I don't know if we have engaged with you on this.

**Senator COX:** No.

**Senator Wong:** But if you would like a discussion, if it will be helpful for us to have a discussion with you about any views you have given the cultural issues you raise, I'm very happy for the department to facilitate that with you.

**Senator COX:** I'm very happy, Minister, to take up that opportunity with the department and with you, to make sure that we are covering off on these. They're very important issues. I don't want to miss that opportunity, particularly for the leadership of Indigenous women and girls in Australia.

**Senator Wong:** I understand that. We're not on opposite sides here. I said to you before, on this, this is the first time this has been done. We are working our way through how we integrate this with our broader diplomacy and it springs from a belief that we are stronger when we are our full selves in the world. In the Pacific, the historical relationships and the understanding the Pacific has of the importance of traditional structures, traditional leadership is a diplomatic strength for Australia and a really important thing to do. But there isn't a template, so I would be very happy to engage with you about this issue.

**Senator COX:** Thank you, Minister, I appreciate that.

**CHAIR:** Thanks a lot. I will hand over to the deputy chair.

**Senator CHANDLER:** I have some questions following on from a topic we covered at last estimates, which was the Socceroos' football match in Beijing.

**Senator Wong:** We're just trying to remember. There has been a bit going on. What was your question?

**Senator CHANDLER:** I have a number of questions in relation to the football match played by the Socceroos in Beijing.

**Senator Wong:** Go ahead.

**Senator CHANDLER:** With respect, Minister, I think this was covered at the last estimates when Senator McCarthy was representing you.

**Senator Wong:** That's why I have no memory of it. Thank you.

**Senator CHANDLER:** Exactly. But Ms Lawson certainly will remember because that's who I talked to about it. I have a question on notice here that I provided and was answered. It's No. 037 from the last estimates. That outlined that there were six meetings between DFAT and embassy officials and Football Australia about the Socceroos-Argentina match that was held in Beijing. Was there any discussion during any of those six meetings whether due diligence had been done on the match promoter—China Rainbow International Investment Company?

**Ms Lawson:** I will need to take that on notice, I'm sorry.

**Senator CHANDLER:** Okay. I am also interested in knowing—I suspect on notice—whether anybody in those meetings was aware that China Rainbow is a united front controlled belt-and-road facilitation company and whether anybody in those meetings was aware of the nature of China Rainbow's business activities?

**Ms Lawson:** Again, I will take that on notice.

**Senator CHANDLER:** Would DFAT have helped facilitate this match if it had known that the match promoter, China Rainbow, is involved in cultivating—

**Ms Lawson:** Senator, I'm sorry. That's a hypothetical question. I can't answer that question.

**Senator CHANDLER:** Okay. Let me rephrase that. Was DFAT aware at the time the match was being negotiated that the promoter, China Rainbow, was involved in cultivating military deals, port and airport access agreements and cultivating relationships between foreign defence officials and Chinese defence industry? To me that seems a strange thing for a sports promoter to be doing.

**Ms Lawson:** I will need to take that on notice.

**Senator CHANDLER:** Thank you. Does DFAT have concerns about Football Australia being paid \$1 million by China Rainbow, given those business activities of China Rainbow in military projects and defence industry?

**Ms Lawson:** I can't comment on that.

**Senator CHANDLER:** Noting that Football Australia briefed media following those meetings in May that government officials were expected to attend the match, was the attendance of any government officials discussed at those meetings?

**Ms Lawson:** Again, I don't have that information with me.

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

**Ms Lawson:** I will take it on notice.

**Senator CHANDLER:** Again I suspect this will be on notice. Was the prospect of ministers attending the match ever raised at any of those six meetings?

**Ms Lawson:** I'll take it on notice.

**Senator CHANDLER:** Did any government staff, officials, ministers or representatives receive invitations from China Rainbow to attend the game?

**Ms Lawson:** From China Rainbow, I don't know.

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

**Ms Lawson:** I will take all of these questions on notice, if you don't mind.

**Senator CHANDLER:** Thank you. Was DFAT aware that after receiving invitations Australian journalists were blocked from being able to attend the match?

**Ms Lawson:** No, I was not aware of that.

**Senator CHANDLER:** Again I suspect you will have to provide this on notice. How many government officials or embassy staff attended the match?

**Ms Lawson:** I'll take that on notice, sorry.

**Senator CHANDLER:** Are you aware that Australia's Ambassador to China tossed the coin at the match?

**Ms Lawson:** Tossed the coin?

**Senator CHANDLER:** To decide who—

**Ms Lawson:** No, I didn't know that our ambassador tossed the coin at the match.

**Senator CHANDLER:** Okay. Were any other parties represented at any of these six meetings—

**Ms Lawson:** Senator, I'm sorry, I'm going to have to take it all on notice. Perhaps you can give us a list of your questions and we can take them all on notice.

**Senator CHANDLER:** I did ask about this topic at the last estimates, and while I respect that the department is very busy and probably doesn't have time to make themselves intimately aware of the issues that I'm interested in, I hoped that we would have been about to get a little bit further on this topic this estimates.

**Ms Lawson:** We do take your questions very seriously and will endeavour to provide you with as much information as possible.

**Senator Wong:** If you indicate that there's a topic you want the officials to come prepared for, I'm sure they will assiduously prepare.

**Senator CHANDLER:** Thank you for that, Minister. Like I said, I would have hoped that, given we traversed this area last time, we could have come back to it—

**Senator Wong:** I suspect that the other way of looking at it would be that your questions were adequately answered last time and there was no need to come back.

**Senator CHANDLER:** Sure, that might be your view and the department's view. The Socceroos are scheduled to play an away World Cup qualifier against Palestine on 21 November and against Lebanon in March next year. Has there been any involvement from DFAT to ensure those matches are going to be played in a safe location where the safety of our players and staff can be guaranteed?

**Mr Growder:** I don't have any briefing on this, but I've seen just today that an announcement from Football Australia of a location in Kuwait where the game against Palestine will be played. We'll have to see, but as far as I know we haven't had any conversations yet about this with Football Australia.

**Senator CHANDLER:** In light of the fact that it might be moving quite quickly, I will put the rest of the questions I have in relation to that topic on notice.

**Senator Wong:** Senator Green is offering Townsville to Football Australia, if they're listening!

**Senator GREEN:** If they need somewhere!

**Senator CHANDLER:** That's very hospitable from Senator Green.

**Mr Growder:** I won't undertake to take that to them.

**CHAIR:** Are you volunteering to toss the coin at Townsville as well?

**Senator GREEN:** I'll toss the coin!

**Senator RENNICK:** Minister, I note the federal government has committed \$100 million to the World Health Organization to prevent, prepare and respond to pandemics. Could you please explain why we're committing such a large amount of money to the World Health Organization when at the same time we are ignoring the role state governments played in managing COVID here in Australia? Wouldn't that money be better spent on front-line health services here in Australia?

**Dr de Toca:** Senator Rennick, it's a pleasure to see you and converse with you about WHO despite my transfer of departments.

**Senator RENNICK:** Likewise.

**Ms Adams:** He's following you!

**Dr de Toca:** The \$100 million that you referred to comprises two different approaches: there's \$75 million as part of a strategic partnership framework with the WHO, which is \$15 million of voluntary contributions per year over the 2022-27 period; and an additional \$25 million for the WHO Health Emergencies Program—\$21 million for the WHE per se and \$4 million for GOARN, which is a public health response network. There are three different streams supporting our commitment to global health architecture that enables a coordinated response to pandemic events like the one we just suffered over the last four years.

**Senator RENNICK:** Is that money being spent here in Australia on services here, or is that money going to the bureaucracies of the World Health Organization?

**Dr de Toca:** That money is part of our contribution to the World Health Organization with a particular focus on our immediate region—our commitment to strengthening global health systems in the Indo-Pacific region.

**Senator RENNICK:** I'm more concerned about strengthening our health system, and I would have thought the best way to do that was to invest in front-line services here in Australia, particularly maternity services—that would be a good example.

**Dr de Toca:** With respect, I'm not sure that dichotomy is correct—this funding comes from our development assistance funding and, as such, is from a different bucket to the funding that is used locally for domestic health services provision.

**Senator RENNICK:** Senator Wong, do you think this is an appropriate spending of money?

**Senator Wong:** Senator, I don't have everything in front of me, but you would know that this government has put substantially more funding into the domestic health system—through bulk-billing incentives, the investment into Medicare rebates et cetera et cetera—than has been the case for a long time. I appreciate you have a different view about multilateralism and international—

**Senator RENNICK:** I don't at all. I know you've accused me of that before, but that's not true. It's the way the money's spent.

**Senator Wong:** Sure. My point is: if the pandemic shows us anything, it's that there are challenges in which all of humanity have a shared interest, and to have structures which enable us to respond globally is important for the security of Australians.

**Senator RENNICK:** But health is delivered locally.

**Senator Wong:** Do I think it's important to have a functioning World Health Organization? Yes, I do.

**Senator RENNICK:** I don't dispute that. It's a question of how the money is being spent.

**Senator Wong:** Sure.

**Senator RENNICK:** It's not about multilateralism. It's front-end services versus bureaucracies, and I struggle to understand why you're spending—

**Senator Wong:** No. They're different—

**Senator RENNICK:** so much on a foreign back-end bureaucracy versus front-end service.

**Senator Wong:** Alright. Well, that's a political view. I've answered your question.

**Senator RENNICK:** Okay. Thank you.

**CHAIR:** Senator Birmingham.

**Senator BIRMINGHAM:** I think we'll bring Ms Smith back to, hopefully, quickly finish off the question we were asking when we were trying to work our way through the Middle East, which relates to the Human Rights Council statement on the commission of inquiry into Israel. What is the reason for the Australian government's continued refusal—last year and this year—to support and join in that statement?

**Ms Smith:** It's not a refusal to join that statement. In fact, we delivered our own national statement this year and last year in the Human Rights Council on this issue and, I'd add, most recently, only a few days ago, also delivered a statement on this in the Third Committee—which is the human rights committee—of the UN General assembly in New York.

**Senator BIRMINGHAM:** With these statements, countries join together to give greater impact to a statement of consistent language. This statement had 22 signatories in 2022, which was, I think, the year the new government chose not to join it. It had 27 signatories this year, so it has actually gone up in terms of the number of countries joining, including regional partners like Fiji and Papua New Guinea joining. What does Australia disagree with in the statement that would cause us not to be willing to join it as presented?

**Ms Smith:** There is not a disagreement with what is in the statement. In fact, if you look at our national statements and the joint statement, they're entirely consistent. In June 2022, when the government made the first of these as a national statement rather than the joint statement, it was really the new government wanting to elaborate the approach to the Middle East peace process by doing a national statement. I'd also say that, yes, joining together in a single statement can be effective, but it can also be effective when there are others who provide national statements that are supportive of exactly the same sentiments that are in other national or joint statements.

**Senator BIRMINGHAM:** But, if our national statement is entirely consistent, what is the rationale for us not joining the joint statement?

**Ms Smith:** As I explained, in June last year it was the new government taking the opportunity to elaborate on the approach to the Middle East peace process by having a national statement, and then we've just continued that in the Human Rights Council this year.

**Senator BIRMINGHAM:** Was consideration given to joining the joint statement this year?

**Ms Smith:** We are in touch with our like-mindeds in the Human Rights Council on a whole range of issues, and I'm sure we looked at the joint statement, but we continued with the national statement approach that we started last year.

**Senator BIRMINGHAM:** Was Australia asked to join the joint statement this year?

**Ms Smith:** I'd have to take that on notice.

**Senator BIRMINGHAM:** Let's take that on notice. Thanks. I'll move on. I'd like to turn to recent events between the Philippines and China involving the PRC coast guard in the South China Sea. What is DFAT's understanding and assessment of the incidents that have occurred between ships of the Philippines and the PRC in recent weeks?

**Ms Chan:** Our understanding—and we're deeply concerned about it—is that there were unsafe manoeuvres conducted by Chinese vessels on 22 October that resulted in collisions and damage to Philippine vessels that were

conducting a routine supply mission near Second Thomas Shoal in the South China Sea. We're concerned because this behaviour endangers security and creates risks of miscalculation.

**Senator BIRMINGHAM:** China has described the recent collision as being a function of the Philippines' intruding into their waters and having illegally grounded a ship in their territory. Are these assessments that Australia shares?

**Ms Chan:** We see the South China Sea as a vital waterway for the entire international community, and we want to see a peaceful South China Sea where international law is respected. In our view, all activities in the oceans and seas must be consistent with the UN Convention of the Law of the Sea, or UNCLOS, which provides the foundation for peace, security and stability in the maritime domain. We also reaffirm our support for the 2016 South China Sea Arbitral Award, which is final and binding on the parties.

**Senator BIRMINGHAM:** That 2016 decision is the one that makes clear that there exists no legal basis for any entitlement by China to maritime zones in the area of Second Thomas Shoal, isn't it?

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

**Senator BIRMINGHAM:** Thank you. What statements has Australia made in relation to the incident?

**Ms Chan:** On 22 October, our ambassador in the Philippines tweeted—I don't know if I can still say 'tweet' on X!

**Senator BIRMINGHAM:** We're all trying to work that one out!

**Ms Chan:** She Xed:

Australia is concerned by China's dangerous manoeuvres that damaged vessels and disrupted a resupply mission in the EEZ. The South China Sea is a vital international waterway for us all. We again call for peace, stability and respect for UNCLOS.

Separate to that, just overnight—I think it was released in the early hours of this morning as part of the United States-Australia Joint Leaders' Statement issued by the Prime Minister and the US President. One of the paragraphs in that statement just released this morning was:

We emphasise the importance of all States being able to exercise rights and freedoms in a manner consistent with international law as reflected in the United Nations Convention on the Law of the Sea (UNCLOS) ... We strongly oppose destabilising actions in the South China Sea, such as unsafe encounters at sea and in the air, the militarisation of disputed features, the dangerous use of coast guard vessels and maritime militia, including to interfere with routine Philippines maritime operations around Second Thomas Shoal, and efforts to disrupt other countries' offshore resource exploitation. We also recognise that the 2016 South China Sea Arbitral Award is final and legally binding on the parties in that proceeding ...

Et cetera.

**Senator BIRMINGHAM:** Thanks, Ms Chan. I appreciate in particular you highlighting that statement, which, having been sitting here all day, I haven't had a chance to get into the detail of yet. That is a welcome addendum to the tweets or Xes made by the Australian ambassador. Has the Australian government had any engagement with the Philippines during the course of these incidents?

**Ms Chan:** Yes, we have.

**Senator BIRMINGHAM:** Is that at the ministerial level? What is the nature of that engagement?

**Ms Chan:** I would have to check. I know it is at least at ambassador level and other officials in our embassy in Manila.

**Senator Wong:** You might recall, Senator, that there was an Australia-Philippines 2+2 in Adelaide on 9 and 10 October.

**Ms Chan:** Sorry, I wasn't sure: were you asking about the specific incident on 22 October?

**Senator Wong:** You said 'these incidents'.

**Senator BIRMINGHAM:** I did say 'incidents' because I'm conscious of some of the previous incidents over the last couple of months, including barricades that have been breached and the like.

**Ms Chan:** There's been extensive engagement between Australia and the Philippines at all levels, from the Prime Minister, the foreign minister, the Deputy Prime Minister, our ambassador and many other officials over an extended period of time.

**Senator BIRMINGHAM:** It's been reported that there have been some issues between Australia and the government of Papua New Guinea relating to the status of a group of 64 illegal maritime arrivals currently resident in PNG. Is DFAT aware of any concerns that have been raised in relation to this matter regarding these individuals who are in PNG following an attempt to arrive in Australia by illegal means?

**Ms Heinecke:** We're aware of the issues you've raised but it hasn't been raised with DFAT. It's an issue that's being dealt with by Home Affairs.

**Senator BIRMINGHAM:** Home Affairs is the lead on it?

**Ms Heinecke:** Yes.

**Senator BIRMINGHAM:** Are you aware whether PNG officials have expressed concerns to Australia about it?

**Ms Heinecke:** We're aware there are ongoing discussions between the home affairs department and the department of immigration in PNG.

**Senator BIRMINGHAM:** Do you understand when those discussions commenced?

**Ms Heinecke:** They're ongoing.

**Senator BIRMINGHAM:** 'Ongoing' means they haven't concluded. Are you aware of when they commenced?

**Ms Heinecke:** No.

**Senator BIRMINGHAM:** Do you have any idea as to how long those discussions have been ongoing for, roughly?

**Ms Heinecke:** As I understand, Home Affairs gave evidence earlier in the week that they had an agreement with the PNG immigration department that had a terminating end date. In terms of current discussions, no, I don't have information as to when they last had discussions.

**Senator BIRMINGHAM:** Do you have any knowledge as to whether the Australian government is considering providing additional funds to PNG as part of discussions?

**Ms Heinecke:** It would be a question you'd have to direct to Home Affairs. It's not from our portfolio.

**Senator BIRMINGHAM:** You're not aware from DFAT's perspective?

**Ms Heinecke:** No.

**Senator BIRMINGHAM:** PNG's chief migration officer, Stanis Hulahau, has stated publicly that his government is in talks with the Australian government to have a number of the individuals transferred to Australia. Are you aware if this is accurate?

**Ms Heinecke:** I can't comment on the specifics of a transfer.

**Senator BIRMINGHAM:** What are you aware of in terms of any of the concerns that PNG may have or the asks that PNG may be making?

**Ms Heinecke:** We're aware there is a current investigation of the allegations of fraud from the department of immigration that the Deputy Prime Minister has announced; that's been reported in the *Guardian*. We know that PNG are looking at the issue themselves, and it's important they do so.

**Senator BIRMINGHAM:** Is New Zealand engaged in any way in the discussions that are being undertaken?

**Ms Heinecke:** I'll have to refer to my colleague who is responsible for people smuggling.

**Mr Sadlier:** That's one I'll have to take on notice. I don't have an answer to that.

**Senator BIRMINGHAM:** Is this issue having any impact on Australia's broader relations with PNG?

**Ms Heinecke:** No. It's not an issue that's been raised at the political level.

**Senator BIRMINGHAM:** Thank you. While I'm on PNG: what is the status of the proposed Australia-PNG security agreement?

**Ms Peak:** Discussions have been ongoing on the bilateral security agreement. During the most recent negotiations on 11 to 13 October we were able to conclude the negotiations at officials level, and the agreement is now proceeding through both Australia's and Papua New Guinea's domestic processes for approvals.

**Senator BIRMINGHAM:** That sounds like good news!

**Senator Wong:** Don't be so surprised!

**Senator BIRMINGHAM:** No, I appreciate the answer!

**Senator Wong:** We're doing a power of work in the Pacific!

**Senator BIRMINGHAM:** Australia has done a power of work in the Pacific for some time.

**Senator Wong:** We could have an argument about that! Goodness me!



**Senator BIRMINGHAM:** This agreement was scheduled to be concluded by April 2023. We were told last estimates it was getting close. My tone of surprise was on the wording from Ms Peak there, in terms of the public confirmation that it's been concluded at officials level and that it's working through political or ministerial approval processes, presumably before it gets to signing and ratification.

**Ms Peak:** Exactly. As you know, it's the usual process for any treaty that it would be concluded at officials level, with the text locked down, and then proceed through both governments for the formal approvals for signing and ratification, as you say.

**Senator BIRMINGHAM:** Indeed. In understanding it to be approved at officials level, is it agreed by governments for signing in terms of the text? It's unusual to confirm that negotiations have stopped at officials level but that, therefore, it now sits for whether or not ministers agree to signing. It's not unusual for, as we know, ratification processes; they are very public, once agreed and signed. But it seems a little unusual to be in a situation where we know the officials have finished negotiations but we don't know whether the ministers are happy.

**Ms Peak:** Sorry, I didn't mean to imply any ambiguity there. Indeed, at the previous negotiations that I mentioned, from 11 to 13 October, Minister Conroy attended, Deputy Prime Minister Rosso attended and Minister for Internal Security Tsiamalili attended—so there were good conversations between ministers as well. As is the typical process, chief negotiators and the negotiating teams lock down the text so that we are absolutely crystal clear that we're proceeding through the formal approval processes in both countries with exactly the same text.

**Senator BIRMINGHAM:** Thank you; that was a useful clarification in terms of ministerial engagement in that conclusion at officials level. Does the government or do the parties have an agreed time line from here in terms of seeking, signing and consenting to the agreement?

**Ms Peak:** No; we will take the time that both sides need to achieve domestic approvals.

**Senator BIRMINGHAM:** So we're not putting a time line on it at this stage. Thank you. Our security agreements with Solomon Islands and Timor-Leste in terms of Australia's or China's have been canvassed already, so we will review the *Hansard* on those and add other questions on notice where relevant. But, in terms of timings around agreements and challenges, can I go to Vanuatu and our understanding of the status of the bilateral security agreement with Vanuatu, noting the changes in government that have occurred there.

**Ms Peak:** Certainly. As you indicated, there have been recent changes in government in Vanuatu. Of course, I mentioned earlier Cyclone Lola that Vanuatu is unfortunately having to deal with as we sit here.

**Senator BIRMINGHAM:** Indeed. Our thoughts are clearly with them.

**Ms Peak:** The new government in Vanuatu has indicated that it will consider the bilateral security agreement and consult on that through parliament. From our perspective, we have several standing ready to have any further discussions with the government of Vanuatu to assist that process, and we will take our cues from Vanuatu.

**Senator BIRMINGHAM:** Minister, have you or Prime Minister Albanese had an opportunity yet to speak with Prime Minister Salwai? I hope I have the pronunciation somewhere close there.

**Senator Wong:** No, we have not. I think leaders and I have had engagements with the foreign minister and the Prime Minister, via message I think. But I'd have to check.

**Senator BIRMINGHAM:** If we can check in terms of engagement there. Obviously, it's a difficult time for Vanuatu. As has already been expressed here, Australia's support is always there in such times.

**Ms Heinecke:** I can confirm that there's been a letter of congratulations from the Prime Minister as well as a text message. He came into government on 6 October.

**Senator BIRMINGHAM:** Do we know whether a call has been scheduled yet?

**Ms Heinecke:** No, we don't.

**Ms Peak:** If I may add one comment, our high commissioner in Port Vila has had the opportunity to have a number of engagements with the Salwai government there.

**Senator BIRMINGHAM:** Was an MOU signed between Australia and Kiribati in February this year?

**Mr Kimberley:** Could you repeat your question, Senator?

**Senator BIRMINGHAM:** I was asking if an MOU was signed between Australia and Kiribati in February of this year.

**Mr Kimberley:** Yes. The Tobwaan Te Reitaki (Nurturing Cooperation) Memorandum was signed on 21 February.

**Senator BIRMINGHAM:** Had that been made public previously?

**Mr Kimberley:** No, it has not. The government of Kiribati had requested it not be made public in full, but there was a statement issued by the foreign minister and the Prime Minister of Kiribati that summarised the arrangements under which that agreement covers.

**Senator Wong:** Senator Birmingham, I am happy to arrange a briefing.

**Senator BIRMINGHAM:** Thank you. I will pause for a sec. I have a couple of issues I'd like to come back to, and I'll look more closely at the one we were just on.

**CHAIR:** I will flag that the last 10 minutes I've given to the Greens, so I'll give Senator McKenzie the call now.

**Senator McKENZIE:** Minister and Secretary, I would like to go back to this morning's testimony. Do you or the secretary have permanent delegated powers to actually approve—

**Senator Wong:** Which testimony? Which area?

**Senator McKENZIE:** This morning.

**Senator Wong:** Sorry, Senator McKenzie, we covered quite a lot this morning.

**Senator McKENZIE:** My last line of questioning, which was this morning.

**Senator Wong:** On which bit?

**Senator McKENZIE:** Repatriation flights.

**Senator Wong:** I don't have the—

**Senator McKENZIE:** That's why I'm not asking the questions that I would have had if the right officials were here.

**Senator Wong:** Okay.

**Senator McKENZIE:** But these are questions for both you and the secretary. Do either you or the secretary have permanent delegated powers to approve the procurement of special assisted flights, as were exercised, I'm assuming, in the repatriation flights?

**Senator Wong:** I would have to take on notice what the delegations are.

**Senator McKENZIE:** Maybe the secretary.

**Ms Adams:** We have delegations for procurement, yes, of course.

**Senator McKENZIE:** In that specific area, or a wide range that would allow these sort of arrangements to be—

**Ms Adams:** For implementing our portfolio responsibilities for consular.

**Senator McKENZIE:** Minister, when was the minister for transport first contacted regarding repatriation flights, and who made that approach? Was it office to office, was it minister to minister or was it department to department?

**Senator Wong:** I don't know.

**Senator McKENZIE:** So it wasn't you personally?

**Senator Wong:** I'm saying I don't know. You asked the when it was first. I don't know. I'll have to find that.

**Senator McKENZIE:** When did you contact Minister King about getting repatriation flights?

**Senator Wong:** I would have to take that on notice.

**Senator McKENZIE:** Secretary, when did DFAT contact the department of infrastructure and transport about this issue?

**Ms Adams:** Likewise, for such a specific question, after several weeks of 24/7 intensity, it's impossible to recall.

**Senator McKENZIE:** I appreciate that.

**Senator Wong:** But I suspect—I don't know—that the officials—

**Senator McKENZIE:** I think Infrastructure is part of—

**Senator Wong:** I think Ms Spencer went through the procurement process and—

**Senator McKENZIE:** I'm talking about prior to that.

**Senator Wong:** My point is there's not a single track, is there? There's procurement, but there were also offers coming in or being sought et cetera. It had to be appropriately handled through that procurement process. I don't know the sequence of when Mr Maclachlan might have contacted the department of infrastructure and transport.

**Senator McKENZIE:** So Minister King rang both Qantas and Virgin—

**Senator Wong:** I don't know.

**Senator McKENZIE:** on the 10th. We were told, on request from—

**Senator Wong:** DFAT?

**Senator McKENZIE:** No—from you or your office.

**Senator Wong:** That may be the case.

**Senator McKENZIE:** That was the evidence on Monday. I'm just wanting to seek clarification around timing specifically around that. Were the Qantas flights part of the procurement process or were they negotiated separately, Ms Adams?

**Senator Wong:** We'd have to take that on notice. That's Mr Maclachlan's division. We don't handle that.

**Senator McKENZIE:** Was the first flight scheduled a result of the procurement process or was it the result of a direct negotiation between departmental officials and Qantas?

**Ms Adams:** I think the reality is that there were a lot of conversations going on, and there was a procurement process, as was outlined this morning, in short time frames. This was all going on at the one time.

**Senator Wong:** Why don't you go—

**Senator McKENZIE:** So DFAT reached out to our domestic airlines on Tuesday night?

**Senator Wong:** I'm really happy to assist, but I'm not going to be able, and nor is the secretary going to be able, to answer these questions.

**Senator McKENZIE:** Even if it's your office to her office?

**Senator Wong:** Well, that is a question I've already taken on notice. But you're not asking just about office contact; you're asking about the series of decisions around assisted departures. We're happy to answer them, but can I ask that you put them on notice, because, if we want to continue, I think it's not going to be a useful use of the committee's time.

**Senator McKENZIE:** Well, the committees exist so that senators can ask questions.

**Senator Wong:** Sure. If you want to spend the time asking questions without the people here, that's a matter for you.

**Senator McKENZIE:** I appreciate that Qantas had a number of logistical issues in arranging their flights, including that it would take time to reach Tel Aviv. They've been very clear on their capacity constraints, particularly internationally. There were a range of offers on the table prior to the first procurement. I will ask on notice why there needed to be three separate procurement processes over a period of days. Some of those offers were from airlines and charter operators who had a deep and embedded knowledge of the Middle East and connections right through to Australia, which meant that we delayed our first repatriation flight by six days. So I am legitimately—

**Senator Wong:** No, that's not right.

**Senator McKENZIE:** trying to work out—

**Senator Wong:** No, that's not right.

**Senator McKENZIE:** Minister, that's why I'm trying to work out the process.

**Senator Wong:** No, it was the opposite that was happening in government. We were trying to get flights as quickly as we could. It's not that we chose to delay. So that's simply—

**Senator McKENZIE:** I'm not saying you would choose to delay. That's why I'm trying to unpack the process here in a calm and methodical manner about the—

**Senator Wong:** Methodical!

**Senator McKENZIE:** —interactions between you and Minister King, between your office and Minister King's office and between DFAT and the department of infrastructure, transport and regional development, because there were interactions—

**Senator Wong:** So what's the question?

**Senator McKENZIE:** When did you contact Minister King and ask her to ring Qantas and Virgin?

**Senator Wong:** I've said I will take that on notice.

**Senator McKENZIE:** Could you also take on notice the interaction between your offices, if it wasn't you personally—

**Senator Wong:** Sure.

**Senator McKENZIE:** and DFAT. My understanding is you contacted Virgin and Qantas on Tuesday.

**Ms Adams:** The days blur. I will get you the specifics—

**Senator McKENZIE:** I appreciate that, Ms Adams.

**Ms Adams:** I will just note for the record that—

**Senator McKENZIE:** I'm just trying to—

**Senator Wong:** Will you let her answer the question?

**Ms Adams:** Australia's first flight out of Tel Aviv was on the same day as our Five Eyes partners managed their first flights too. So it was actually done extremely quickly.

**Senator Wong:** You have made an assertion also—

**Senator McKENZIE:** As you would appreciate, I'm just trying to get to the process.

**Senator Wong:** If I can add to the answer, you've made an assertion about flights being offered by some who have a deeper knowledge of the region. As you might recall and you would know, there are carriers who are national carriers of entities which may not have a formal diplomatic relationship with Israel, which therefore means they don't access Tel Aviv. So—

**Senator McKENZIE:** I appreciate that.

**Senator Wong:** that is a complexity—

**Senator McKENZIE:** There are three commercial flights a day out of Tel Aviv—

**Senator Wong:** Yes, that is a complexity that we are aware of. When we went through the flights previously, obviously there were arrangements made to avail ourselves of the service that could be provided.

**Senator McKENZIE:** I look forward to the answers to my questions on notice.

**Senator Wong:** Was it about when I or my office contacted Minister King and when the department contacted the department of infrastructure and transport? Are they the two questions?

**Senator McKENZIE:** It's with respect to contacting Qantas and Virgin specifically.

**Senator Wong:** Yes, sure, in that context.

**CHAIR:** Senator Birmingham, you've got a few more minutes, and then I'll hand over to Senator Shoebridge.

**Senator BIRMINGHAM:** The French government has taken a very direct public stance in relation to the Albanese government's decision to send an observer to the next meeting of the parties for the Treaty on the Prohibition of Nuclear Weapons. The French have indicated that by sending an observer it's a de facto commitment to support the promotion of the treaty, that it comes with a request to financially support, that it is a contradiction in terms of any claims of support for the primacy of the Nuclear Non-Proliferation Treaty and that it is contradictory to Australia's ambition to reinforce its partnership with NATO. Are these concerns of the French government being raised directly with the Albanese government?

**Ms Wood:** We engage very regularly with our partners, including the French government, on Australia's approach to nuclear disarmament and nonproliferation, including on our approach to the Treaty on the Prohibition of Nuclear Weapons. The position that France takes on that treaty is on the public record, but I won't go into details of private discussions.

**Senator BIRMINGHAM:** They're hardly private discussions if we're confirming that the French government has raised with the Australian government pretty strong statements they've now made publicly.

**Senator Wong:** Hang on. No, we are not going to go into the detail of discussions with counterparts, but, if you want to ask about the issue, the official or I can respond.

**Senator BIRMINGHAM:** Aside from what we know publicly, have other nations, particularly nuclear weapons nations who are not participating in the TPNW, raised concerns about Australia possibly signing on to it?

**Senator Wong:** That's a hypothetical.

**Ms Wood:** I would note that our main focus is on implementing the Nuclear Non-Proliferation Treaty. We are engaging with the Treaty on the Prohibition of Nuclear Weapons to build our understanding of that treaty. We're

very supportive of a world without nuclear weapons. There are some aspects of that treaty that we are informing ourselves on, including verification, universality and complementarity with the Nuclear Non-Proliferation Treaty.

**Senator BIRMINGHAM:** So you do not consider your participation to be a de facto commitment to support the promotion of the treaty?

**Ms Wood:** Observing the meeting is about engaging constructively in the context of our broader engagement on nuclear nonproliferation and disarmament, about listening and about understanding the perspectives of other countries.

**Senator BIRMINGHAM:** Does observer status come with any expectation of financial commitments to the promotion or development of the treaty?

**Ms Wood:** There is a cost to observing the treaty. States, parties and observers all contribute to the meeting, and that's determined by a UN formula.

**Senator BIRMINGHAM:** Is that just for meeting costs, or does it fund other activities associated with the promotion of the treaty?

**Ms Wood:** My understanding is that that's for meeting costs.

**Senator BIRMINGHAM:** How is Australia's engagement with the treaty consistent with the desire to deepen our partnership with NATO, which remains a nuclear alliance, or, of course, our alliance with the United States and the deterrence factor that that alliance provides for us?

**Ms Wood:** We are all committed to the goal of a world without nuclear weapons, and we are also strongly committed to our alliance with the United States. There's no inconsistency in these positions.

**Senator BIRMINGHAM:** Would Australia sign the treaty in its current form?

**Ms Wood:** No decision.

**Senator Wong:** That's a hypothetical question for the officer. In relation to me, because I'm trying to see if we can finish this in time, I think I've made my position on this very public.

**Senator BIRMINGHAM:** Let's try again, Minister, and see whether it's clear as well as public.

**Senator Wong:** I beg your pardon?

**Senator BIRMINGHAM:** Could you state a position on whether or not Australia would sign the treaty in its current form, which was the question I asked.

**Senator Wong:** I've said, including on *Insiders*:

... we share the ambition that the Treaty on the Prohibition of Nuclear Weapons has for a world free of nuclear weapons. And which is why I've sent observers to the last conference. It's why we are looking at and considering very closely the treaty. But I would again make this point, the key architecture internationally to ensure that the world addresses the build up in, and the management of nuclear material, has to be the NPT. That is what the nuclear parties have signed up to and that's what we should be pressing them for.

**CHAIR:** This is your last question, Senator Birmingham.

**Senator BIRMINGHAM:** I have a couple of quick ones I'd like to ask.

**CHAIR:** To be fair, I did warn you that I'm giving the last ten minutes to the Greens.

**Senator BIRMINGHAM:** We had a little bit more flexibility on time yesterday, I note.

**CHAIR:** What's yesterday got to do with today?

**Senator BIRMINGHAM:** I thought you were running a consistent show, Chair.

**Senator SHOEBRIDGE:** It's a foreign country. Yesterday is a foreign country.

**CHAIR:** I have given the opposition a lot of time today.

**Senator GREEN:** Most of it.

**Senator Wong:** There's all this stuff that Senator Green has.

**Senator BIRMINGHAM:** And oppositions always get a lot of time if in estimates. Crossbenchers also got a lot of time.

**CHAIR:** You are just chewing up your time. Keep going.

**Senator BIRMINGHAM:** Are there expectations on heads of mission to keep records of speeches and notable remarks that they give at conferences?

**Senator Wong:** Maybe—

**Ms Adams:** That's a very general question.

**Senator Wong:** Get to the punchline so we can deal with that. How about that?

**Senator BIRMINGHAM:** Very good; thank you, Minister. Are there any records of the speech that High Commissioner Stephen Smith gave to the Australian British Chamber of Commerce's Australian British Defence Catalyst event in London?

**Ms Adams:** I'll take it on notice. I don't know.

**Senator BIRMINGHAM:** Would you expect there to be?

**Ms Adams:** I think there are too many different circumstances that could be covered by your categorisation. We don't write down every single word that everybody says every time.

**Dr Sawczak:** Could you please repeat your question?

**Senator BIRMINGHAM:** Is there a record of any of the remarks given—a full transcript or summarised record of the remarks made—by High Commissioner Smith to the Australian British Chamber of Commerce's Australian British Defence Catalyst event in London?

**Dr Sawczak:** Not to our knowledge.

**CHAIR:** Fantastic!

**Senator BIRMINGHAM:** But you've taken it on notice.

**CHAIR:** That was the best answer all day!

**Dr Sawczak:** We don't hold a transcript of that event and, as far as we're aware, the organisers of the event don't have a transcript of that either.

**Senator BIRMINGHAM:** Presumably you've checked since I asked Defence yesterday. Is that how you've come so well prepared for that particular question?

**Dr Sawczak:** Quite possibly!

**CHAIR:** Alright, thank you very much, everyone. Senator Shoebridge.

**Senator SHOEBRIDGE:** Minister, there have been significant concerns raised by many governments—not least the United States—about the risk that the upcoming election in Bangladesh will not be transparent, free and fair. Representations have been made by those governments. What representations have been made by the Australian government to the Bangladesh government in that regard?

**Ms Chan:** Australia also have regularly raised our concern and advocated in support of free and fair elections. I'll let my colleague Mr Cowan give you more detail.

**Mr Cowan:** There've been two lines of advocacy. One is a consistent line of advocacy for the government of Bangladesh to protect freedom of expression as a pillar of democracy in that country. The second is regular representations regarding the forthcoming election to be free, fair, inclusive and non-violent. As Deputy Secretary Chan said, we've raised that with ministers and senior government officials, with joint statements with other countries where appropriate. We've engaged the Bangladesh High Commissioner here in Canberra. Specifically, if that's what you were asking, we have raised that with, for instance, the principal secretary in the Prime Minister's office in Bangladesh. We've made representations to the Minister for Law, Justice and Parliamentary Affairs. Also in Bangladesh we've made representations to the foreign secretary. Assistant Foreign Minister Watts, on his visit to Bangladesh in May, also raised this issue. We've also raised it as part of our regular senior officials' talks exchange with Bangladesh, and we've also raised it here in Canberra on at least one occasion.

**Senator SHOEBRIDGE:** Did Assistant Minister Watts in his visit to Bangladesh raise concerns about the mass opposition arrests and the violence by government officials and entities related to the government against opposition leaders and activists? Was that squarely raised by Assistant Minister Watts? If so, with whom?

**Mr Cowan:** I won't go to the specifics of Minister Watts's discussions, but I can say the issue of free, fair elections was raised by Minister Watts during his travel there, and we have, in the representations that I've outlined to you, consistently made the point that elections should be free, fair, participatory and non-violent.

**Senator SHOEBRIDGE:** The United States in May raised concerns about the potential for elections not to be free and fair and, indeed, made an amendment to their visa policy, which provides that, if any government official or a related official acts contrary to the requirements for a free and fair election, they would be refused entry to the United States. Is Australia aware of those actions being taken by the United States?

**Mr Cowan:** Yes, we're aware of those actions. I don't think we would make a comment on the visa policy of another country. We have not taken a similar action to introduce a visa restriction policy in relation to Bangladeshis.

**Senator SHOEBRIDGE:** Has the government considered whether or not such actions by the Australian government would be a useful tool in the goal that I think we all share: encouraging Bangladesh to have free, fair and open elections? Are those kinds of measures on the table?

**Mr Cowan:** I think the actions that we've taken so far, in the sense of being a very broad and consistent set of representations on those issues and on other issues in Bangladesh, are the measures that we've taken.

**Senator SHOEBRIDGE:** I hope this is a matter that's squarely on the agenda of the high commission and will continue to be raised until the elections are completed.

**Mr Cowan:** Yes, that's correct.

**Senator SHOEBRIDGE:** Minister, I know this question relates to Iraq, so it may be difficult to answer, but what about the plight of Robert Pether? I know we've raised it in previous estimates. I know his family have been grateful for the ongoing representations by embassy staff. I think we've all been shocked by the images we would have seen following his prolonged detention in quite brutal conditions in a Baghdad jail. What's the situation of representations for Mr Pether?

**Ms Adams:** Yes, as you say, the Australian government has consistently advocated for Mr Pether at all levels of government since his detention in 2021. We have made 157 representations on Mr Pether's behalf since he was detained. We will continue to provide consular assistance to Mr Pether and his family. Consular officers have visited Mr Pether 82 times since his arrest, most recently on 12 October.

**Senator SHOEBRIDGE:** Is there any ongoing negotiation with the government in Iraq to seek to get his release—apart from the consular visits, which are acknowledged and the family is grateful for? What's the state of play in negotiations with the Iraq government on his release and his return to Australia?

**Ms Adams:** As I say, representations are made very regularly, very often. I've already given the number of 157 representations. We continue to express our view that the underlying matter is a commercial dispute.

**Senator SHOEBRIDGE:** And the consequence of that is that Mr Pether should be allowed to return home. Is that the core demand from the Australian government?

**Ms Adams:** We call for his expeditious consideration in their system and for attention to be given to his welfare and health concerns.

**Senator SHOEBRIDGE:** And he should not be in jail on what is effectively a civil matter. That necessarily flows from the position you put earlier.

**Ms Adams:** As usual, for privacy considerations, we don't go into the details of the arguments that are being made; however, we continue to raise his case in all its complexity with the Iraqi authorities.

**Senator SHOEBRIDGE:** I think we could do more, but I note the time. It's after the hour.

**Senator Wong:** Thank you, Senator Shoebridge.

**CHAIR:** On that note, we will now break for dinner. We will be releasing officials connected to the non-trade programs of the Department of Foreign Affairs and Trade, and after dinner we will come back with officials connected to the trade programs. Thank you, Minister, and thank you, Secretary.

#### **Proceedings suspended from 18:00 to 19:01**

**CHAIR:** Good evening, everyone. I now welcome Senator the Hon. Don Farrell, Minister for Trade and Tourism; and the associate secretary of the trade and investment group of the Department of Foreign Affairs and Trade—although, it looks like we've got someone else at the table.

**Mr Baxter:** You do. I'm the acting deputy secretary for the trade and investment group.

**CHAIR:** Excellent. Welcome to the hot seat. Do either of you have an opening statement that you'd like to make this evening?

**Senator Farrell:** Thank you for the offer, but I'll decline it on this occasion.

**CHAIR:** You're most welcome. Mr Baxter?

**Mr Baxter:** No, Chair.

**CHAIR:** On that note, you have the call, Senator Birmingham.

**Senator BIRMINGHAM:** Thanks, Chair. It is with deep disappointment that I'm only going to ask about one thing, and my colleagues will be able to pursue, more extensively, many of the issues around tonight. I'd like to

ask about QON No. 86. It is a QON that contains a long record of *Hansard* and a very short answer, and the topic was the CPTPP questionnaire. There were essentially three things sought during the course of the long extract from *Hansard*. One was about which countries have and which countries have not responded to the questionnaire. Another thing, which I think I acknowledged in the *Hansard* and which could be a stretch, was about potentially getting copies of those responses. But the third element was at least just about getting a copy of the questionnaire without necessarily any country's responses to it. The answer we got was:

Releasing the details of correspondence with foreign governments conveyed in confidence could damage international relations.

That answer deals with the second part of I asked for, which was whether we could get copies of country's responses, but it doesn't deal with which countries or economies have actually responded, let alone just what the questionnaire itself is. I'd like to understand what efforts have been made to answer this question and whether we might be able to get a copy of the questionnaire or know who has or has not responded to it.

**Mr Kewalram:** I don't have a lot to add to that answer on notice. What I can say to you is that we have received responses from all the aspirants to the questionnaire. I have personally checked again on the status of the questionnaire with other CPTPP parties, and they currently have requested that it continue to be kept within the parties.

**Senator BIRMINGHAM:** The questionnaire itself regardless?

**Mr Kewalram:** Yes.

**Senator BIRMINGHAM:** It seems a very peculiar thing to wish to keep in confidence. But I will accept your word that you have checked with them and that it's the position of other parties. As I think I noted at the time, I'd be deeply disappointed if at some stage we find that the questionnaire bobs up through somebody else's system because of transparency elsewhere that we're not receiving here. Are you able to advise what applications have been received or, at least at this stage, which countries or economies have replied to a questionnaire?

**Mr Kewalram:** I can. I would like to just note that your comments last time to that effect—that you would not like to see it bob up somewhere else—are very much seared in my mind. But we are where we are at this point. In terms of the aspirants, I think I put on the record last time that there are six aspirants and, as I just said earlier, that the aspirants have responded to the questionnaires. I don't want to miss one, but the aspirants are China, Taiwan, Costa Rica, Uruguay, Ecuador and Ukraine.

**Senator BIRMINGHAM:** That's a diverse group of six. And have CPTPP member states made any decisions in relation to next steps, beyond the questionnaire, for any of the six?

**Mr Kewalram:** The CPTPP parties are continuing to deliberate on that question. I can put on the record that Australia's position on CPTPP applications has been consistent and has not changed. Any potential CPTPP member must demonstrate that it can meet, implement and adhere to the CPTPP rules and standards, and have a demonstrated track record of complying with trade commitments. All accession decisions, including working out future procedures and next steps, are by consensus.

**Senator Farrell:** I might just add to that, Senator Birmingham. At the last meeting I attended, which I think was the last meeting at the group, I think there was a sense that we needed to digest the United Kingdom accession before we made any further decisions, and that seemed to me to be the mood in the room at that time.

**Senator BIRMINGHAM:** Thanks, Minister. I can kind of appreciate that perhaps in terms of limited negotiating capacity at the other end of such a process. It would seem to be a little more surprising that there's really not that much to digest. You get on with implementing once the—

**Senator Farrell:** The UK would not say that.

**Senator BIRMINGHAM:** The UK may have big implementation to undertake, compared to the CPTPP member nations, who of course worked their way through it with each other previously and should be across most of the standards, and they may have adjustments to make in terms of the UK joining. But how long does the indigestion last?

**Senator Farrell:** Time will tell.

**Mr Kewalram:** If I can add to the minister's answer, as the minister said, there is very much an appetite for a number of things with respect to the UK accession. Firstly, I would note that while signature has happened, all of the CPTPP members, including the UK, have to go through the relevant domestic ratification processes. There is also an appetite to learn how we do accessions better, so there are various conversations about whether there are ways to improve the speed, efficiency and processes for any future aspirations. So, while the formal signature happened in July in Auckland at the CPTPP commission meeting, the UK process isn't complete.



The other thing that is really taking up a lot of thinking time—and is not at a negotiation stage—is that a mandated general review is meant to occur off the CPTPP. Once the accession of the UK process in relation to the people who do the negotiating, was done, a lot of attention is focused on what should be in that general review? That is taking up a lot of time. So it's not that there is nothing else on the agenda.

**Senator BIRMINGHAM:** Do any of the economies that have responded to the questionnaire, which apparently all six have, demonstrate through their response a likely higher capacity to meet the type of standards and tests and merit based processes that you've outlined will be applied?

**Mr Kewalram:** I can't really add to anything beyond what was in the QON at that point.

**Senator BIRMINGHAM:** From an Australian economic standpoint, which of the economies of the six potential applicants offers the greatest potential benefits for us to enter into a free trade agreement with?

**Mr Kewalram:** We're very early in the process of considering all of those questions. I'm not in a position to answer that at this point.

**Senator BIRMINGHAM:** What are the top few Australian trading partners that we do not have free trade agreements with?

**Mr Kewalram:** As you know, our FTA coverage is extensive. We have 18 FTAs covering 30 economies. Of the aspirant economies, we do not have FTAs with Taiwan, Costa Rica, Uruguay, Ecuador or Ukraine.

**Senator BIRMINGHAM:** Is it safe to say that, of those, Taiwan is our largest trading partner by far?

**Mr Kewalram:** As a question of fact, I'd have to look at the stats.

**Senator BIRMINGHAM:** A numerical fact.

**Mr Kewalram:** As a numerical fact, of those five, yes.

**Senator BIRMINGHAM:** Obviously the sixth being PRC, with whom we do already have a trade agreement in place at a bilateral level and at a regional level through RCEP.

**Mr Kewalram:** Exactly right.

**Senator BIRMINGHAM:** When's the next meeting of the parties?

**Senator Farrell:** I think it will be in San Francisco in a couple of weeks when we're dealing with the Indo-Pacific Economic Framework and hopefully signing some more pillars of that agreement.

**Mr Kewalram:** On the margins the APEC meetings.

**Senator Farrell:** On the margins.

**Senator BIRMINGHAM:** We'll see whether the indigestion of the UK has cleared some time after that.

**Senator CADELL:** Let's start with the big dog, EU trade, if we may. Everyone's here?

**CHAIR:** Fire away, Senator.

**Senator CADELL:** It's getting close to the pointy end of this. How are consultations, especially in the agricultural area, going?

**Senator Farrell:** This has been a difficult negotiation. I think the fact of the matter is that, if it were easy, somebody would have done it already. I, as has been well documented, met with the Europeans in Brussels in July. This was my third meeting with them—in fact, my third visit to Brussels. I didn't believe that the offer, particularly as it related to agriculture, was sufficient for me to recommend to the Australian people that we should sign an agreement. We had a choice, I think, at that stage, between breaking off the negotiations and calling it quits, or keeping the negotiations going. I had the good fortune of having representatives there from the National Farmers Federation, Meat & Livestock and a number of other organisations. All of them were emphatic that we should keep the negotiations going, with a view to trying to get an agreement.

We initially thought that there would be an opportunity for my counterpart, Valdis Dombrovskis, to come to Australia for the next round of negotiations, and we were looking at some dates in October. As luck would have it, that wasn't possible, so we had a couple of Zoom meetings and a couple of other text messages. We've settled on this weekend for the next round of negotiations. Again, I've made it very clear that, in the absence of a better offer across the board but in particular for agriculture, we would do the same thing that we did in July, which is reject the agreement.

We are, as you say, reaching the pointy end for the simple reason that, if we don't get an agreement this weekend, the Europeans then go into their own internal election cycles for next year and we lose the opportunity to finalise an agreement before the composition of the European Commission changes.

So it's a difficult time in the negotiations. I wish I could give the Australian people and agriculture some good news—that we are close to resolving the issue. I don't believe we are, but that doesn't mean we shouldn't try. I'm prepared to sit and talk for as long as it takes to see if we can, with a bit of goodwill from both of the parties, get to the point where I can say, 'We have a fair deal,' and I can bring it back to the Australian people for consideration.

**Senator CADELL:** This is happening this weekend in Osaka; is that correct?

**Senator Farrell:** Yes. We've been invited to the G7. We're not members of the G7. We are an outreach partner of G7. We'll be there to witness all of those events. I suppose a good thing about it is that we will be there with a range of the key European trade ministers, as well as Commissioner Dombrovskis. If there is a chance to make a breakthrough in respect of agriculture, we've probably got the best opportunity to do that, because it's pretty rare to have both Commissioner Dombrovskis and the key trade ministers all in the one place at the one time. I suppose that's an advantage we've got at this round of the negotiations.

**Senator CADELL:** Are you taking a delegation with you on this trip?

**Senator Farrell:** Yes, my little team of industry stakeholders will be up there. Some of them are flying up with me, some of them are making their own way there. One of the things I'm pleased about is that we have been very open with our stakeholders about the progress. I don't want any surprises. But I have said to them—I've tried to be honest with them—my view is that my job in these negotiations is to make a decision in respect of the national interest. I've got to look at this from the point of view of not what is best for a particular sector but what is best for the country. The way I intend to do that is to take a plain piece of paper and on the left-hand side write down all of the things that are good about the agreement—and there are lots and lots and lots of good things about this agreement. Our chief negotiator, Alison Burrows, has done an incredible job to get as far as she has with the Europeans. On the right-hand side, I write down all the things that are bad about the agreement, including the things we wanted to get and don't get. Then I weigh it up, and say, 'On balance, is it a good deal or a bad deal?' If at the end of that process I come to the conclusion that it's a good deal, even though some sectors may not be happy with it, I think I've got to bring it back to Australia and say I think we should endorse this agreement.

**Senator CADELL:** Earlier you mentioned the stakeholders, the NFF and Meat & Livestock Australia. Are they part of the delegation that's going over with you?

**Senator Farrell:** I'm certain NFF is, and I think Meat and Livestock is.

**Senator CADELL:** Could we get a list of the delegation on notice?

**Senator Farrell:** Yes. We can probably even get it to you tonight.

**Senator CADELL:** Thank you very much. The National Farmers Federation in the last few days came out to say they're extremely concerned with a number of things, especially in beef. What conditions and conditionality are proposed around meat exports?

**Senator Farrell:** As much as I'd like to conduct the negotiations with the opposition—and I'm sure I could get a better deal with you than I could with the Europeans—I don't think it's fair for me to be going in to the specifics.

**Senator CADELL:** Fair enough, Minister.

**Senator Farrell:** I have to say that I was bit disappointed that a few comments were made during the week which did rather point to our negotiating position, and I'm very reluctant to say anything, given the delicate nature of the negotiations.

**Senator CADELL:** Where have those stories come from?

**Senator Farrell:** I don't want to particularly go in to the blame game. But I've seen things in the paper which could only have come from information that we had given stakeholders, so I was a bit disappointed about that. I'm not going to dwell on it, but I do say we've got a negotiation underway. We haven't completed those negotiations. I've tried to be engaging. Every time I met the Europeans, both before and after the meetings, I went to our stakeholders and honestly told them where I thought the negotiations were at. I sought their guidance. I'm not beholden to them, and I don't say they have to agree. I make the decision to agree. But I know it's best right at this point, given that we're so close to what the European themselves call the end game—it's a funny term, the 'end game', but that's what they call it—where I'd prefer to keep my powder dry so that we've got all guns blazing in Australia's interests when we meet them over the weekend.

**Senator CADELL:** But you'd be aware that people like Meat & Livestock and National Farmers Federation are saying the conditionality around 70-day grain fed versus 100-day grain fed makes any conditionality useless for quotas.

**Senator Farrell:** I've heard them say that. Can I tell you a little story?

**Senator CADELL:** You've never done anything but that, Minister! Little would be good for time.

**Senator Farrell:** I'm sitting at Aussies having a cup of coffee, and this farmer comes up to me. He says, 'I'm a wagyu beef farmer from Goulburn.' I said, 'That's good.' He said, 'I want to congratulate you for walking away from the EU trade agreement, but I know you'll get a deal done next time.' I said: 'Yes. One of the issues is the amount of time that grain-fed beef can be fed grain, and the Europeans are saying not more than 50 days. How long do you feed your cattle for?' He said, 'A hundred days.' I said, 'Does that mean that you have no opportunity of taking up the offer?' He said, 'No, I'll feed my cows for 50 days.'

**Senator CADELL:** That's not the predominant feeling around the industry, though, is it?

**Senator Farrell:** It may not be, but it was an honest answer that I didn't expect to hear. Again, I don't want to go into too much detail about the negotiating position, but I understand the difficulty with conditionality—don't get me wrong—and we have been pushing for the highest volumes and the lowest conditionality.

**Senator CADELL:** Knowing your point, the thing we're hearing from sugar farmers is that the quota is extremely low and includes processed sugars in foods. If I was to be a Coffs Harbour candy kitchen with perhaps an export market for sugar that goes into the lollies, that would be included in that as well. Are these the sorts of things we're looking at?

**Senator Farrell:** Volumes and conditionality are the things that are the stumbling block at the moment. That's why I walked away from the Europeans in July. They weren't making us a reasonable offer. They weren't making an offer that I could hand on heart say was in the interests of our agricultural sector. You might have noticed that I've been doing as much work as I possibly can to restore our relationship with China and get agricultural products that had been excluded from the Chinese markets back into China. I understand just how important these markets are, and I want to get the best deal I possibly can for Australian agricultural producers. I'm doing that because, firstly, that's my job, but, secondly, I want the Europeans to have the wonderful advantage of having Australian beef and Australian wine that we ourselves have.

**Senator CADELL:** I don't doubt your sincerity, but the rumours from stakeholders are that you're being pushed into a deal that you don't think is that good for a photo opportunity next week. Is that correct?

**Senator Farrell:** No, I've had lots of photo opportunities, even with Dermott Brereton!

**Senator CADELL:** Will this deal be announced next week?

**Senator Farrell:** I never count my chickens—

**Senator CADELL:** I don't think they're even part of this.

**Senator Farrell:** Yes, chickens are a part of this. If you have a look at what they call the SPS provisions, chickens and pig meat feature pretty prominently. I've learnt from bitter experience that you don't jump ahead of yourself. I have never been in a negotiation where I have concluded until I've shaken the hand of the person I'm negotiating with. Until we've done that, I have never jumped to the conclusion that a deal would be done, and I'm certainly not doing it on this occasion. I would love this agreement to be resolved over the weekend. I'm going into the negotiations with a positive frame of mind. I want an agreement, and I believe the Australian people want the agreement. We're in a situation now that we're not just talking about economic issues and the benefits of trade. We are in a very dangerous world. I can't remember a time since the Cuban missile crisis—and most of the people in this room would not have been alive at that time—when things have been so dangerous in the world. The conclusion I draw is that not only would a trade agreement be good for the country in terms of economic value, but we actually need friends in this world, and, like it or not, the Europeans, despite how hard they bargain, are like-minded and we need some friends just in a geopolitical sense. What does trade do? Trade hopefully produces peaceful outcomes.

**Senator CADELL:** Last question on this: are the EU aware of the hostile nature that any deal that locks Australian agricultural into a dud deal for 50 years will face if you come back with that next week?

**Senator Farrell:** I'm sure they read all the publicity. I don't think there's any comment that I or any other organisation make that isn't instantly transferred to the Europeans—thus my comment about anything that might undermine or prejudice our negotiating position appearing in the newspapers, because they go through these statements with a fine-tooth comb, and I imagine somebody's looking at the *Hansard* right now.

**Senator CADELL:** Thanks, Chair.

**CHAIR:** For a moment I thought we were on the RRAT committee, given all the talk about agriculture.

**Senator CADELL:** There's going to be more!

**CHAIR:** I know there will be. Senator Fawcett, you have the call.

**Senator FAWCETT:** Mr Baxter, the minister's just been making a big point about newspaper headlines and about how hard he's working to increase our trade with China. This morning, before Anthony Albanese's visit, the *South China Morning Post*, which is known as the mouthpiece of the Chinese Communist Party, has a headline: 'Exclusive: China-Australia relations: Canberra will not oppose Beijing's CPTPP trade-pact bid'. I'm aware that you've discussed that in some detail with Senator Birmingham before. I want to put this headline to you and get it on the record that Australia's position has not changed. That position is that we have high standards, and the expectation, as has been stated many times, is that the conduct of the Chinese Communist Party is expected to disqualify them. I want an assurance that this headline is not an indication that we have somehow done a deal to allow that to go through.

**Mr Kewalram:** Australia's position on CPTPP applications has been consistent and has not changed. Any potential CPTPP member must demonstrate that it can meet, implement and adhere to the rules of the CPTPP and CPTPP standards and must have a demonstrated track record of complying with trade commitments. And all our decisions are taken by consensus.

**Senator FAWCETT:** I did hear your evidence to Senator Birmingham before, so I won't ask you to repeat that. What I would like to know is: have there been any specific discussions with the Chinese Communist Party regarding the CPTPP in the lead-up to Prime Minister Albanese's visit?

**Mr Kewalram:** We have not engaged in substantive discussions with any aspirant on CPTPP applications

**Senator FAWCETT:** You used the word 'substantive' there. Have there been any discussions with the Chinese Communist Party that touch on the CPTPP, in the context of Prime Minister Albanese's visit?

**Mr Kewalram:** Not in the context of Prime Minister Albanese's visit. The reason I use the word 'substantive' is just to make clear that we are not engaging in any detailed discussions with any aspirant at the moment because there is not consensus on the way forward, and the position of all of the aspirants is well known to us, in terms of their interest.

**Senator FAWCETT:** Has there been any request from the CCP to change the way Australia talks about their track record and the likelihood of them being able to accede to the CPTPP?

**Ms Lawson:** The arrangements for the Prime Minister's visit do not change the government's position on the CPTPP, which is as Mr Kewalram has stated.

**Senator FAWCETT:** That wasn't my question, Ms Lawson. I'm glad to hear your answer, but that wasn't my question. Has there been any request from the Chinese Communist Party to change the language or the narrative or the position around our insistence that their track record has to also stack up?

**Ms Lawson:** In the course of discussions with the Chinese government, a range of topics have come up. Of course the CPTPP is of interest to the Chinese government. Our position remains the same. Of course, the stabilisation process that has been underway has delivered a range of outcomes for the Australian government. That's a very welcome development. It does not change our position on the CPTPP.

**Senator FAWCETT:** What I read into that is that, in the discussion, they have raised that as a topic in the context of Prime Minister Albanese's visit.

**Ms Lawson:** That's not what I said. I said that topics of discussion come up consistently with the Chinese government. As a product of the stabilisation process, we've engaged in a range of dialogue, of course. We've commenced high-level dialogue, including at the ministerial level. The minister has had a range of discussions with his counterpart. As you know, the Prime Minister engaged with the Chinese President last year. There's a visit coming up, as you know, very shortly. Topics always come up in the course of those discussions and, of course, the CPTPP has come up in the range of those discussions over the course of the past year.

**Senator FAWCETT:** In those discussions, was it made clear that Australia's position would remain that not only the aspirations but the track record of an applicant would be considered?

**Ms Lawson:** Our position, as has been publicly stated, is the same one that we expressed to the Chinese government.

**Senator FAWCETT:** Thank you very much.

**Senator Farrell:** Chair, there was a question about which industry stakeholders were coming up to Osaka for the EU negotiations. I can report that Meat and Livestock will be represented, the National Farmers Federation will be represented and the Canegrowers will be represented. The dairy industry will be represented by Dairy Australia. The chair of the red meat taskforce will be present, and Australian Grape & Wine will be present. Of course, they're very pleased with the announcement last week of the review by the Chinese government of the 220 per cent tariffs on Australian wine going into China.

**CHAIR:** Thank you, Minister. Do colleagues have more questions for the department?

**Senator CADELL:** Yes, I do, and Senator Fawcett would like one more.

**Senator FAWCETT:** I have a follow-up question on that same topic.

**CHAIR:** In relation to what the minister just said?

**Senator FAWCETT:** No—on the previous topic. There's one question I didn't ask before, which I should have asked. There's clearly sensitivity in terms of the six aspirants to join the CPTPP about the order of applications. Was there any discussion regarding whether the Chinese Communist Party's application would receive consideration ahead of Taipei's in the discussions that have been held around the upcoming visit?

**Ms Lawson:** I'm not going to go into the details of discussions with other parties.

**Senator FAWCETT:** Has Australia's position changed on our previous statements about the order in which applications would be considered?

**Ms Lawson:** I'm not conscious of what statements have been made about order. I don't think that we have, have we?

**Mr Kewalram:** This is all part of the discussion occurring amongst CPTPP members in terms of what to do next with respect to the six aspirants, including the order in which they should be considered, if they should be considered et cetera. There has not been any crystallisation of a position on sequencing.

**Senator FAWCETT:** Thank you.

**Senator CADELL:** I'll go back to the EU. Minister, you said that Dairy Australia is going on your trip. Have they endorsed entering into a deal where the rights for the name of 'parmesan' under a GI are taken away from Australia?

**Senator Farrell:** I'm reluctant to go into specific details. I've tried to talk—

**Senator CADELL:** Not in negotiations—have they endorsed that with Dairy Australia?

**Senator Farrell:** Again, confidential discussions that take place between me and particular industry groups, I think, should remain confidential. I try and be as consultative as I possibly can to bring them into my trust so that I can try and properly evaluate and understand what their position is and what they would like me to do. But, again, I don't think it's helpful for me to be revealing their position, particularly if the position that they adopt publicly is not necessarily the position that they adopt privately. And I am not making any reference to Dairy Australia there, but I just think that, given the negotiations are so close—and I know you and your party would only want the best for Australian agriculture out of these negotiations—I think I owe it to all those parties to keep their confidences and keep my discussions between them private for the time being.

**Senator CADELL:** Surely, as a fine wine grower in South Australia, will you keep your own counsel on prosecco? Are you giving that one up?

**Senator Farrell:** We don't have any prosecco in the Clare Valley.

**CHAIR:** They do in Victoria.

**Senator CADELL:** I understand—it's King Valley—but, as a winemaker, you'd be interested.

**Senator Farrell:** I have met a very large selection of the prosecco growers in Australia, and I've met Helen Haines on numerous occasions when the sole topic was prosecco. The position I've put to the Europeans is this. In the aftermath of World War II, we accepted a huge number of European migrants into this country. They brought their families, they brought their culture and, very often, they brought their food and wine. They've established businesses that have now been here for 50, 60 or 70 years. For many of these people, the issue of names like prosecco, feta, parmesan or pecorino are not just an economic issue but also a way in which they continue to have a bridge to the old country. So, if you take these names away from them, you're not just affecting their economic livelihood but you're also doing something else to their psyche. I've tried to make that point to the Europeans. You will note that, in the New Zealand trade agreement, a lot of these terms were subject to GIs. That of course makes our negotiating position more difficult with the Europeans. I've tried to express, as best as I can, to the Europeans just how important these names continue to be to Australian businesses and to people with that link to Europe.

**Senator CADELL:** I note from last time, you said our position was stronger because of our rare earth minerals, so I look forward to your success in those matters, Minister.

**Senator Farrell:** I wish I could convince the Europeans of that, Senator Cadell, and I've not been able to.

**Senator CADELL:** I'll move on. Last estimates we discussed a definition of 'deforestation' in any agreement. It was still in determination. Has any definition of 'deforestation' been settled on yet?

**Mr Baxter:** Of course, it being a trade negotiation, nothing is actually agreed until everything is agreed.

**Senator CADELL:** Settled will do. It doesn't have to be a pact.

**Mr Baxter:** This is an issue that has not been settled in the context of the FTA, it's an issue that we discussed with the EU outside the context of the FTA.

**Senator CADELL:** We were talking about Australian stakeholders in the group going over. Has the Australian Forest Products Association been consulted on a definition of 'deforestation'?

**Mr Baxter:** The Department of Agriculture, Fisheries and Forestry is leading Australia's approach to EU regulation that touches on the issue you mentioned—the definition of 'deforestation'. I am very confident that they consult industry stakeholders extensively, but that's something that you would really need to direct to them.

**Senator CADELL:** Is that the same process for a definition of sustainable forest management, or is that settled?

**Mr Baxter:** I don't have visibility of those discussions, and the department doesn't have visibility of those discussions.

**Senator CADELL:** Would you know if a definition has been included in the draft text of any EU finalised chapter?

**Mr Baxter:** This issue, as I mentioned, is not being pursued directly in the free trade agreement negotiations. It's something we're dealing with separately.

**Senator CADELL:** That's fine. Thank you. Is the EU seeking to include any reference to forest degradation in the relevant chapter language?

**Mr Baxter:** I would have to take that on notice. Can I make a general point. Apart from the fact that these issues are under negotiation in the lead-up to Minister Farrell's visit to Osaka, we do have our negotiating team in Brussels at the moment. I'm answering these questions to the best of my ability but don't have the same level of familiarity as our negotiating team.

**Senator CADELL:** Understood.

**Senator Farrell:** Normally we would have Alison Burrows here, but, because she is deep in the negotiations, I don't have the privilege of her presence and, therefore, her vast knowledge in this space.

**Senator CADELL:** I know she will be doing us well over there. We might move on to the Middle East and North Africa, including UAE, if we can. What progress has there been on the comprehensive economic partnership agreement with the UAE since last budget estimates?

**Mr Kewalram:** The government continues to consider CEPA with the UAE. While we have not formally commenced negotiations, we have been meeting UAE officials to understand interests and scope a possible agreement. The engagement has been ongoing. There were discussions in November 2022, and subsequent exchanges of information in March 2023 as well as in August 2023. As officials we continue to do any preparatory work ahead of formal negotiations, including our website continuing to call for submissions from Australians who have an interest in this matter.

**Senator CADELL:** Is there a formal time line for progression from here?

**Mr Kewalram:** There is not a formal time line.

**Senator CADELL:** What progress is there on an FTA with GCC?

**Mr Kewalram:** There is a consultation process open at the moment with respect to that, but there have not been further discussions with the GCC.

**Senator CADELL:** No time line on that to progress?

**Mr Kewalram:** Not at this moment.

**Senator CADELL:** Does it appear that the UK is moving significantly faster on the GCC? I think they're in their fourth or fifth round and started at a similar time to us.

**Mr Kewalram:** I can't speak for the UK. Each potential partner with the GCC has its own rhythm.

**Senator CADELL:** It appears from the outside that the Middle East seems to be a low-priority target for free trade agreements. Is that the position of the department?

**Mr Kewalram:** That is certainly not the position of the department.

**Senator CADELL:** Last estimates Minister Farrell said that, despite multiple transits through the Middle East, neither he nor Assistant Trade Minister Ayres had engaged with any of their counterparts. Has anything changed since last estimates on that?

**Senator Farrell:** I think I have met with one of the representatives of the United Arab Emirates in Adelaide. I couldn't tell you exactly when. Do you know what date that was?

**Mr Kewalram:** You met with the UAE ambassador on 24 January, as have a number of other ministers. Assistant Foreign Minister Watts met with UAE counterparts in March.

**Senator CADELL:** Where was that? In Australia or travelling through the UAE or the gulf?

**Mr Kewalram:** I will have to confirm that. I just have the date and the meeting.

**Senator Farrell:** I have certainly met, and I couldn't tell you exactly when, a very senior representative of the—

**Mr Kewalram:** May 2023.

**Senator Farrell:** In May I met a very senior representative of the UAE—in Adelaide, of all places.

**Mr Kewalram:** The special envoy to Australia, Her Excellency Reem Al Hashimy.

**Senator Farrell:** What was her title?

**Mr Kewalram:** UAE's special envoy to Australia.

**Senator Farrell:** I've met that lady, and she certainly raised it.

**Senator CADELL:** Minister, are you aware of a letter from the Kuwaiti Minister for Commerce and Industry to the Minister for Agriculture, Fisheries and Forestry, Murray Watt, stating that suspending live sheep exports would damage broader trade and economic ties between the Middle East region?

**Senator Farrell:** No, I'm not.

**Senator CADELL:** Have you seen that letter?

**Senator Farrell:** No.

**Senator CADELL:** Do you know of the existence of the letter?

**Senator Farrell:** Only because you've just mentioned it.

**Senator CADELL:** No-one in Australia from the department heard that suspension of the live sheep trade may damage wider economic cooperation?

**Senator Farrell:** I've certainly seen references in the newspaper to that effect.

**Senator CADELL:** I understand that, but have any foreign governments raised it with the department?

**Mr Kewalram:** We'd have to take that on notice.

**Mr Baxter:** I think there has been evidence in previous sessions that the issue has been the subject of discussion on previous occasions.

**Senator CADELL:** Has there been any correspondence directly to you that you're aware of from Morocco requesting the establishment of a live meat trade?

**Senator Farrell:** Not to me.

**Senator CADELL:** Or the department?

**Mr Baxter:** We'd have to take that on notice.

**Senator CADELL:** Can you take that on notice.

**Senator Farrell:** I will check that just to make sure. If there has been such a letter, I don't recall being advised about it, but I will check. Rather than say categorically, I will check that out. I certainly don't recall receiving—

**Senator CADELL:** Senator Fawcett had also asked about progress and discussions enhancing Australian trade opportunities with Israel. I know there's a lot going on there. I think someone from DFAT travelled on 31 July to Israel. Were there any updates on that meeting that you can provide?

**Senator Farrell:** Obviously we have this terrible situation in Israel at the moment. I suspect a free trade agreement is the last thing that's on the minds of the Israeli government.

**Senator CADELL:** But we did meet well before that, on 31 July.

**Senator Farrell:** I appreciate that. My recollection is that the Israelis had indicated that they weren't quite ready to commence any discussions. I would be happy to engage in discussions with the Israelis about a free trade agreement, if that's their wish. As I say, my recollection was, the last time I had a conversation about it—I've met

with the Israeli ambassador quite a few times in the recent periods, and I've got to say that has not been the subject of our conversations.

**Senator CADELL:** I understand entirely.

**Mr Kewalram:** Just to add to your point about 31 July: there were senior official talks in Israel on 31 July covering a range of issues, including whether or not to move ahead on or contemplate an FTA. As the minister has said, there was not a sense that there was a desire to do so at the present time.

**Senator CADELL:** Thank you. Minister, earlier you raised that the world is in a place we haven't seen since, potentially, the Cuban missile crisis.

**Senator Farrell:** Yes.

**Senator CADELL:** So many of the areas we see this in are in the Middle East. We have Morocco's sheep flock failing—

**Senator Farrell:** Sorry?

**Senator CADELL:** Morocco's sheep flock is not going well. It is going badly. We have demand. We have live exports up in the last 12 months over the previous 12 months. Why is Australia still pursuing to take away the protein source for so many of these people?

**Senator Farrell:** I dispute that we are seeking to take away the protein source. Let's go back a bit. We took a policy to the last election that we, in the election after this period, would seek to end the live sheep trade from Australia. That's not the same thing as taking away protein from the countries that you referred to. We won the election, and we are implementing the policy we took to the election. How often does a government get elected and not carry through on their promises?

**Senator CADELL:** I won't say the number 275.

**Senator Farrell:** We're a different sort of government. If we say that we will do something, that's what we will do. We're not dealing with it from the point of view of depriving sheep farmers, in particular, of the opportunity to sell their wonderful produce. Why am I negotiating so hard for them in the EU? Because we want them to sell their products. The issue is: how do we transport that product to the Middle East, to Europe and to any of the other countries that we might wish to export to? I think the solution to that issue is sensible engagement by the government, by the industry and by these other countries to work out a way where we can continue to supply them with our high-quality products but not do it through the live sheep trade. I don't say that it's easy to solve that problem; it's not. It's a difficult issue.

I know that sheep farmers are agitated about the decision that we've made. I'd like them to engage in a sensible way to see whether there is a way that we can come up with some consensus here. What might that look like? It might look like more abattoirs in Australia. We produce chilled or frozen beef, and we get it into the markets that way, rather than through the live sheep trade. That not only provides opportunities for the sheep farmers but also creates jobs for Australian workers, so there are a couple of benefits in that process. I know my close colleague Minister Watt is working as hard as he can to see if there's any way that we can achieve both objectives—your objective of continuing to ensure that we provide high-quality protein to our trading partners but also the objective of dealing with the issue of the live sheep trade.

**Senator CADELL:** Minister, a couple of weeks ago, the New Zealand National Party won government in New Zealand, and they are looking at rolling back New Zealand's live sheep ban. Aren't we really just handing 691,000 head of market to people in another country, where sheep will have to travel 5,000 kilometres further to get to the same destination on the same ships?

**Senator Farrell:** I would hope that they wouldn't reverse that ban, given that it has been in place for some time. But, obviously, there's a new government there, and they can make their own decisions. If the New Zealand people voted for a government that had that policy, I guess that they'll implement it. But the Australian people voted for a Labor government who had a policy—I understand you don't like the policy. I imagine there are quite a few things that are in the—

**Senator CADELL:** We may differ.

**Senator Farrell:** Labor Party policy that you don't particularly like. All I can say is that we didn't hide our policy under a bushel. It was controversial at the time, and it didn't have the unanimous support of the Western Australian Labor government. They came out and publicly opposed that decision. But we were honest with the Australian people; we were honest with sheep farmers, particularly in Western Australia; and we're carrying through on the undertakings that we made. But it's up to the Australian people to make their decision about these things, and we'll happily leave the New Zealanders to make their decisions.



**Senator CADELL:** Minister Watt was at the National Farmers Federation today.

**Senator Farrell:** He gave a very good speech.

**Senator CADELL:** I disagree, but anyway. On the 'Let farmers farm' campaign, you've just said exactly the same thing he said: 'We ran with this policy and it's accepted.' In rural Australia, your policy was to take away that market. It is a policy of the government. They are losing their lands to transmission lines and purchase there. If this EU trade agreement goes poorly, they will lose the names of their products, and they are losing, under your visa arrangements, the workers for their land. On the Murray-Darling, they are losing the water to grow the things. Where is agriculture going to win in trade in Australia if all we are doing is following promises where we don't care what happens to agriculture?

**Senator Farrell:** Well, Senator Cadell, I completely reject that characterisation of either Minister Watt's policies or those of the government. Can I tell you that, when I came to this job 18 months ago, we had \$20 billion worth of trade bans on our products into China. In that period, we have managed to lift the bans on cotton, hay, stone fruit, timber and barley, and, of course, last week we set in a process of removing the bans on Australian wine. From starting at that \$20 billion, we've now got only—it's a big figure, I know—\$1 billion worth of bans, so we've managed to clear \$19 billion worth of bans. Who have been the biggest beneficiaries of that?

**Senator CADELL:** What's the price of protein now? What's the price of a head of sheep now compared to two years ago?

**Senator Farrell:** Okay. There's a range of reasons for that. I'm not a sheep farmer; I'm a wine grower. But I do talk to sheep farmers, and I'll come back to that. Of course, it's not the agriculture. But for anybody to say that this government is not concerned about farmers is absolutely preposterous. What we've been doing, week in, week out, is getting results for our farmers—real, practical financial results. A couple of weeks ago, I was in Kawana at the CBH grain—what do you call it? Port?

**Senator CADELL:** Terminal?

**Senator Farrell:** Terminal—that's it. I witnessed the first shipment of barley back into China. The week before, the barley price had been \$300 a tonne. On that shipment—40,000 tonnes of high-quality Australian barley—it was \$370 a tonne. So there was almost a 25 per cent premium because we managed to get that product back into China. I don't seek any thanks. I don't expect—

**Senator CADELL:** I'm not offering any. The farmers aren't offering any.

**Senator Farrell:** I know you're not. I don't seek any thanks from the Farmers Federation. I don't say to them, 'Look, don't you realise what we've done for you?' But I don't think you can look at any period of Australian history where one government in 18 months has managed to secure so many benefits for the farming sector. Let me tell you: most of the benefits that we have achieved in that 18 months are in the farming sector. Did I mention stone fruit?

**Senator CADELL:** Yes, you did.

**Senator Farrell:** Oh, I did mention that. I thought I might have forgotten that one.

**Senator CADELL:** So they're running the 'Let farmers farm' campaign because they've never had it so good?

**Senator Farrell:** Well, I read one of the comments. In fact, I'm going to go to it now that you've referred me to it, because I read it last night.

**Senator CADELL:** Anyway—

**Senator Farrell:** No, I want to read this comment, because I could not believe it, given the factual situation. This is what the Farmers Federation said that it was 'not a central priority for the current federal government' and argued that 'Labor is wilfully ignorant of the plight of the farmers'. Eighteen months, \$19 billion worth of trade impediments—I don't want to go into the neglect that your government showed towards the interests of farmers. I will, if you press me. I put this proposition to you, and I defy you to come up with a different solution or a different answer: I don't think there's been any time in the history of Australia where one government, in such a short period of time, has secured so many benefits for the farming community in this country.

**Senator CADELL:** I would be very surprised if many governments haven't done that, but anyway.

**CHAIR:** Have you got many questions to go?

**Senator CADELL:** I have lots, but I'm happy to rotate if someone wants to rotate.

**CHAIR:** I have a few questions, actually, while we're on this topic. Recently, Minister and Acting Secretary, the Prime Minister announced Australia had agreed on a pathway to resolve a dispute with China, particularly

over wine. Given how passionate you are, Minister, about wine and supporting the wine industry, I was hoping your department could outline the agreement and the expected time line.

**Mr Kenna:** I'm very happy to outline the bones of the agreement. As you'd appreciate, this is a breakthrough that the government has been seeking for many, many months. Since the resolution of the barley impediments Minister Farrell and colleagues have made very clear that they've been seeking a similar process to resolving the wine matters. We reached agreement on that with China on 21 October. The essence of the agreement is that Australia and China will suspend the WTO dispute. We expect to do that on 30 October.

**CHAIR:** This year? Just to be clear—

**Mr Kenna:** This year. Next week, on Monday.

**CHAIR:** Excellent.

**Mr Kenna:** We expect an application for review to be filed on Tuesday 31 October. The five-month suspension period will then begin, and that will expire on 31 March 2024. If the duties are removed, as they were with barley, then at the end of that suspension period the WTO dispute will be discontinued. If the duties are not removed at the end of that five-month period then we will continue the WTO dispute.

**CHAIR:** How significant was the Chinese market for Australian wine exports before the import duties were introduced?

**Mr Kenna:** For example, in 2019 Australian wine exports to China were approximately A\$1.1 billion.

**CHAIR:** \$1.1 billion?

**Mr Kenna:** That's correct.

**CHAIR:** Are you able to provide a list of the products that were affected by the trade impediments that were imposed by China on Australian exports since 2020?

**Mr Kenna:** Yes. My colleague Mr Sloper can address that question.

**Mr Sloper:** You asked, I think, about the other items that had been impacted?

**CHAIR:** That's right.

**Mr Sloper:** There have been a range of items we've been working on since the relationship has stabilised. I might go through some of them and list them for you. The first began with the lifting of quarantine restrictions on timber logs on 18 May. Then we saw a resumption of trade in coal, cotton, copper, oils and concentrates. That was in response to what we describe as 'informal actions' taken by China. Then there was the removal of the duties applying to Australian barley exports on 5 August, which was mentioned by the minister, the re-registration of oat and hay exporters on 27 September, and, most recently, finding a pathway to resolving the dispute on wine.

**CHAIR:** Do we have an overall amount of what all that's worth?

**Mr Sloper:** I have individual amounts, but I may not have—

**CHAIR:** Do you want to go through the individual amounts, and I'll tally them up?

**Mr Sloper:** Yes, just bear with me for a moment.

**CHAIR:** You're most welcome; it's important to get some of the facts on the table.

**Mr Sloper:** Sure. The figures are each valued as at 2019, which is our comparison, if you like. Copper ores and concentrates in the 2019 calendar year were \$2.3 billion. We are seeing a resumption in trade, but not up to those levels yet. Cotton was \$1.1 billion in 2019—

**CHAIR:** Sorry, what was that?

**Mr Sloper:** Cotton was \$1.1 billion in 2019 in terms of exports. We're seeing a rise—nowhere near that level yet, but it's returning. I mentioned coal: in 2019 it was \$13.7 billion. Timber logs were \$0.6 billion in value in 2019. Barley, which has just been discussed, was \$0.6 billion in 2019. Oaten hay was \$1.1 billion in 2019. And we've just talked about wine: in 2019 it was \$1.1 billion.

You can see from those figures, even though I haven't added them up, that we're talking about quite a substantial proportion of trade.

**CHAIR:** Yes, very much so. I think the minister was trying to make that point. What trade impediments have been resolved? I think we heard in earlier evidence that there was still some process—are you able to provide a response to my question about what has been resolved?

**Mr Sloper:** I just went through the items; perhaps I could just characterise the nature of those and then go back to it—

**CHAIR:** The nature, okay.

**Mr Sloper:** When China imposed a range of measures, we characterised them as 'formal duties', which were those imposed on bottled wine and Australian barley—

**CHAIR:** Got you!

**Mr Sloper:** both of which were challenged in the WTO. Then there was a series of 'informal actions', where China discouraged or, effectively, prevented importers buying certain products. That included metallurgical and thermal coal, copper ores and concentrates, and cotton. Then there was a series of 'technical measures', where China blocked Australian goods on the grounds of alleged sanitary or phytosanitary issues. Those included live rock lobsters, and that still remains; timber logs which, as I mentioned, has been resolved; and some red meat and hay establishments. The red meat establishments remain an issue that we continue to advocate on.

We saw sustained engagement by the minister and others at the level of senior officials and in regular meetings at lower levels throughout the period. That tempo and dialogue allowed us to prosecute our interests regularly. We have seen some of those items I mentioned earlier resolved—really, since 18 May onwards.

**CHAIR:** I assume that this is part of the much broader strategy that the government has around the *Australia's Southeast Asia Economic Strategy to 2040* report also? Obviously, that's about trying to rebuild relations with China and also with the region. I'm interested in your thoughts about why we commissioned a South-East Asian economic strategy to 2040?

**Mr Baxter:** Someone will come to the table for that.

**Mr Innes-Brown:** Chair, would you just repeat the question please?

**CHAIR:** Why did the government commission a South-East Asian economic strategy to 2040?

**Mr Innes-Brown:** South-East Asia is a priority, economically, strategically and politically. Of the areas of our relationship that were underdone, we assessed that it was the trade area—particularly the investment area—where more work needed to be done. So the government commissioned the strategy to examine the situation—what the causal factors were and what could be done to grow two-way trade investment.

The key findings were that trade growth has been solid but that it hasn't actually kept up with the region's growth. As we said in earlier evidence, the proportion of Australia's trade that was going into the region hadn't changed, despite its very strong economic growth over a couple of decades. That was either as a proportion of Australian trade or as Australia's proportion of South-East Asian trade. Then, on the investment front, particularly FDI over a period over the last decade had stagnated. This is a period when investment from a range of countries into the region had increased significantly. The purpose of the strategy was, as I said, fundamentally to significantly increase our trade and investment and identify ways to do that, including by looking at, as we explained earlier today, developments and opportunities in the 10 key sectors that we thought were most prospective for advancing our trade and investment interests.

**CHAIR:** What have been the main sectors that have been identified in the report where we're trying to look at that investment?

**Mr Innes-Brown:** The 10 sectors were agriculture, resources, the green energy transition, infrastructure, health, tourism, education, financial services and the creative industries. I might have missed one there along the way, but they were the core sectors. We looked at those in depth. Mr Moore, as he went around, examined that and spoke to people in those sectors and looked at what the opportunities were, what the obstacles were and what the possible solutions were. That produced the 75 recommendations in the report.

**CHAIR:** What has the government done to date to implement those recommendations?

**Mr Innes-Brown:** There was an initial announcement when the Prime Minister launched this report in Jakarta in early September. As I was outlining earlier today, there were three major initiatives announced. One is establishing deal teams in the region, with blended public sector and private sector expertise, involving Export Finance Australia, Austrade and DFAT. We will be putting those teams into various capitals throughout the region. That was one of the key announcements. The second key announcement was the Southeast Asia Business Exchange, which was designed to introduce, particularly, more small and medium-sized enterprises into the region and expose them to the opportunities. I guess one of the key emphases of Mr Moore's work was identifying what the issues were. There were four categories of issues. One was addressing the lack of awareness of opportunities in the region. The second category was removing blockages. The third category was building capability. And the fourth one was investing. That initiative was designed particularly to look at how we can grow trade and have more Australian companies trading with the region. Austrade will do that through targeted sectoral business missions and providing wraparound support with those businesses when they return. A component of

that initiative is conducting a South-East Asia trade investment promotion campaign in Australia. That's for trade diversification and supply chain security reasons. The third subcomponent of that initiative is a diaspora survey so we can connect diaspora businesses and use their skills and knowledge to help other businesses enter the market. The final initiative announced in Jakarta was a young professionals exchange program, which is designed to introduce young Australian businesses and South-East Asian businesses to our respective economies and markets and to build enduring business links, which we hope over the medium and long term will foster greater commercial ties.

**CHAIR:** Which government agencies will be delivering these initial recommendations?

**Mr Innes-Brown:** For the first one, the deal teams, it's Export Finance Australia, Austrade and DFAT. Austrade will be running the Southeast Asia Business Exchange. For the third one, the professional exchange program, DFAT will be taking carriage of that.

**CHAIR:** For those initiatives you just mentioned, what is the cost?

**Mr Innes-Brown:** I think the total cost is just over \$95 million.

**CHAIR:** Do you have a breakdown of the costs for each of those initiatives?

**Mr Innes-Brown:** Sure. The investment deal teams is worth \$72 million over four years, the Southeast Asia Business Exchange Program is \$19.2 million over four years and the professional exchanges program—it's a pilot—is \$6 million over four years.

**CHAIR:** In terms of businesses finding out more about trading in the South-East Asia region—is that being advertised through Austrade?

**Mr Innes-Brown:** Austrade is developing that new initiative.

**CHAIR:** What are the plans to promote the region?

**Mr Innes-Brown:** Obviously, as a general proposition they're seeking to work in that area. But this particular initiative is in development at this stage. When we start implementing it in more detail, there will be publicity around all of that. Obviously, some of these programs need design work, and we're certainly working on these various elements. We've identified one place where there will be a targeted business mission next year, to the Philippines, and that was announced by the minister during the recent Philippines-Australia ministerial meeting in Adelaide. I think it was on 10 October if I'm not mistaken. That will definitely be a priority. So these things were recently announced, and we're working through the detail.

**CHAIR:** Thank you very much. Senator McKenzie, hello.

**Senator McKENZIE:** Hello.

**CHAIR:** You snuck in.

**Senator McKENZIE:** I did sneak in. Minister, lovely to see you.

**Senator Farrell:** Thank you. Lovely to see you too.

**Senator McKENZIE:** Excellent. It sounds like we're going to have a very cordial evening. I want to go to the Qatar Airways decision. Minister, were you consulted on the decision by Minister King to reject the additional flights by Qatar Airways?

**Senator Farrell:** I think I've rather extensively answered questions in question time—

**Senator McKENZIE:** I'm asking you again, as is my right, in Senate estimates.

**Senator Farrell:** Yes, and I can refer you to the statements I've made that are already on the public record.

**Senator McKENZIE:** Were you consulted? Did she give you a call, Minister? Did she send you a text? Did you request a briefing?

**Senator Farrell:** I was certainly aware that this issue was under consideration. At the end of the day, like it or not, the way in which this decision was made was by the transport minister. If the only consideration, for instance, was trade or tourism, then that results in a series of issues to be discussed. These agreements are country-to-country agreements. Again, as I think I've pointed out, one of your colleagues, Mr McCormack, when he came to the position, of course, also rejected the application by Qatar—

**Senator McKENZIE:** But he added additional ports, didn't he?

**Senator Farrell:** He may have done that, and of course you might have seen in the last couple of—

**Senator McKENZIE:** I think if you read the rest of your briefing note you'll find that—

**Senator Farrell:** Can I—

**Senator McKENZIE:** so it's very convenient for the Labor Party—

**CHAIR:** Senator, let the minister respond, please.

**Senator Farrell:** You promised this was going to be cordial, and already you're getting—

**Senator McKENZIE:** It's hardly robust yet.

**Senator Farrell:** Okay. Now I've lost my train of thought. Ask your next question!

**Senator McKENZIE:** This is much more up close and personal, Minister, which I much prefer to question time. You say you were aware that this decision was under consideration within government. Did you request a briefing from your department about the impact so that you could inform the minister for transport of the potential impacts, as you say? We've heard extensive evidence to suggest that this would have a negative impact on the tourism industry—I think in excess of \$788 million was quoted a couple of months ago—and a negative impact on our freight exports et cetera. I could go through all the figures. Did you request of your department a briefing so you could do your bit to inform the minister responsible of the impact that her decision could have on your portfolio responsibilities?

**Senator Farrell:** I can only say what I said before.

**Senator McKENZIE:** Mr Baxter, did the minister request of the department any briefing, any details, any information that he could then, obviously, pass on to Minister King in consideration of her decision?

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

**Senator McKENZIE:** Sorry, Minister. Continue. I was just checking.

**Senator Farrell:** I thought you were seeking an alternative response. In the Australian system, the person who determines these agreements is the transport minister. She has taken into account a range of considerations.

I just remembered what I was going to say about Qatar.

**Senator McKENZIE:** Qatar or Qatar Airways?

**Senator Farrell:** Qatar Airways, yes, but I'm using the abbreviated form. In fact, what Qatar Airways have done is to take advantage of what Minister King said at the time—that there were other ports that they currently could fly into that they weren't using. Qatar last week announced extra flights into Adelaide, which obviously, from my point of view—

**Senator McKENZIE:** You'll be very happy.

**Senator Farrell:** is a very good development. On the same day, I think, Singapore Airlines announced a similar additional range of flights, coming on the top of Vietjet's flights.

**Senator McKENZIE:** So Adelaide's doing well. What about Melbourne, Sydney, Brisbane and Perth?

**Senator Farrell:** All of the ports are heading in the right direction. We know, from the time that you, in government, closed the borders—

**Senator McKENZIE:** Are you suggesting we could have kept them open in the middle of a global pandemic?

**Senator Farrell:** What I'm suggesting—

**Senator CHANDLER:** I don't remember them saying that at the time.

**Senator McKENZIE:** Yes, I'm pretty sure you weren't screaming that from the rooftops.

**CHAIR:** Please let the minister respond—without interjections,

**Senator Farrell:** What I'm suggesting is that from the time you closed the Australian borders, of course, it has had a very dramatic effect on the Australian tourism industry. My job has been, in that period, to try to get things back to where they were or even better. Slowly but surely, that's happening. In recent weeks, as part of our—

**Senator McKENZIE:** Sorry, Minister, I—

**CHAIR:** Senator McKenzie, I'm sorry, but the minister is still responding.

**Senator McKENZIE:** Chair, Senate estimates doesn't mean the minister gets, carte blanche, 15 minutes to palaver on in answering my question.

**CHAIR:** The minister is responding, thank you. The minister has the call.

**Senator McKENZIE:** I'm sorry; we need to have time frames on this particular minister—

**CHAIR:** The minister—

**Senator McKENZIE:** as you well know.

**CHAIR:** Excuse me. The minister has the call.

**Senator McKENZIE:** No, the minister doesn't have the call.

**CHAIR:** He does, actually. I'm the chair, and the minister has the call. He's responding to your question. Minister, you have the call.

**Senator McKENZIE:** Chair, just a question: what if the minister chooses to respond—

**CHAIR:** Senator McKenzie, you're out of order.

**Senator McKENZIE:** to my question for over five minutes?

**CHAIR:** Senator McKenzie, you're out of order—

**Senator McKENZIE:** He's got form.

**CHAIR:** and you will withdraw that.

**Senator McKENZIE:** No, I won't.

**CHAIR:** You will withdraw.

**Senator Farrell:** I'm not offended.

**Senator McKENZIE:** He's not offended. He's not afraid. He doesn't need your protection.

**CHAIR:** I have to uphold the standards of the Senate and what we have been asked to do as chairs. Withdraw please.

**Senator McKENZIE:** On what grounds?

**CHAIR:** Withdraw.

**Senator McKENZIE:** Please state the standing order I've breached.

**CHAIR:** That it is offensive to the minister.

**Senator McKENZIE:** Minister, is that offensive?

**CHAIR:** Withdraw please.

**Senator Farrell:** I'm in the hands of the chair.

**CHAIR:** You are impugning on the minister.

**Senator McKENZIE:** That he takes a long time to ponderously answer any question that he doesn't like?

**CHAIR:** Senator McKenzie—

**Senator McKENZIE:** Let the record show, let the record stand: if it offends the minister, I withdraw.

**CHAIR:** Thank you. Minister, do you want to keep concluding—finish concluding—your answer please, and then we'll move on.

**Senator Farrell:** The point I'm making is that when we came to government the tourism industry was in a very bad way internationally. We have been doing our level best to restore that. In recent weeks, of course, part of our stabilisation project with China has resulted in China allowing group bookings to come to Australia, and already that's producing very significant developments. Already that is producing very significant developments. China used to be our top supplier—

**Senator McKENZIE:** Chair! Relevance.

**Senator Farrell:** He's being relevant.

**Senator McKENZIE:** No he's not. He was not asked—

**CHAIR:** It's matters relating to trade.

**Senator Farrell:** You're asking about the tourism industry. I'm telling you that things are starting to—

**Senator McKENZIE:** I didn't ask about the tourism industry. I asked about the tourism industry impacts given your government's rejection of Qatar Airways. What communications occurred between your department and the Department of Infrastructure, Transport, Regional Development, Communications and the Arts around the Qatar Airways decision?

**Mr Baxter:** I'm not aware of any communications.

**Senator McKENZIE:** None was sought by that department?

**Mr Baxter:** I couldn't say that.

**Senator McKENZIE:** You couldn't say that?

**Mr Baxter:** No, I would have to take that on notice.

**Senator McKENZIE:** Who would know in the department if those communications had been sought, if not you?

**Mr Baxter:** I think most likely it would have been the geographical area responsible for our relations with—

**Senator McKENZIE:** The Middle Eastern section. If you could check, Mr Baxter, I would very much appreciate it.

**Mr Baxter:** I'll do that.

**Senator McKENZIE:** Minister, what communications occurred between you and Qantas? Did you speak with Mr McGinnes—the government relations expert in Qantas?

**Senator Farrell:** No.

**Senator McKENZIE:** Did you speak with Mr Alan Joyce, the former CEO of Qantas?

**Senator Farrell:** No.

**Senator McKENZIE:** Did you speak with Mr Goyder, the chair of Qantas, about this issue?

**Senator Farrell:** Not about Qantas, no. I have spoken to him about other matters.

**Senator McKENZIE:** Yes, of course. He's got a lot of things to do. So no discussions about competition with respect to the Qatar Airways decision? What about your office?

**Senator Farrell:** I couldn't say for sure that there was no discussion, but I would expect, if that type of discussion had occurred between any of my officers and any of the persons that you just mentioned from Qantas, I would have been advised about it. I don't recall ever anyone telling me that they had discussed with Qantas, but in an abundance of caution I'll get that checked and I'll come back and confirm for you.

**Senator McKENZIE:** Thank you. There are quite a lot of Labor luminaries, quite sensible Labor luminaries, that are on your side, in particular Premier Cook from WA, Premier Malinauskas from South Australia—

**Senator Farrell:** A very fine man.

**Senator McKENZIE:** The Deputy Premier of Queensland, Stephen Miles; former Treasurer Swan; former Trade minister Emerson; who have all asked that the government not overturn but simply review the decision in light of all the evidence that has been in front of them. These aren't insignificant men.

**Senator Farrell:** And women.

**Senator McKENZIE:** No, there weren't any women, Don. They were all men.

**Senator Farrell:** I thought there were one or two women.

**Senator McKENZIE:** They're all Labor luminaries. Have you had discussions with Premier Malinauskas, Premier Cook, Deputy Premier Miles, former Treasurer Swan or former trade minister Emerson about the decision by your government to reject the Qatar Airways application, and the lack of competition?

**Senator Farrell:** In recent times, I've spoken with just about all of those people.

**Senator McKENZIE:** I know.

**Senator Farrell:** I don't recall any of them raising with me the Qatar issue. Again, I'll check my records, but I can't recall any one of them raising that issue with me. One of the things I know that you will find difficult to understand, based on the way in which the previous government operated—

**Senator McKENZIE:** Don't assume what I can and can't understand, please.

**Senator Farrell:** I won't make any assumptions, then. This Prime Minister gives jobs to his ministers and he sets them on a particular course and tells them to go and do their job.

**Senator McKENZIE:** It was very clear within two days who was responsible for the decision. Has DFAT assessed the trade implications of limiting competition in the Middle Eastern aviation market for air freight? I know you have been answering some questions from Senator Cadell on the live sheep export phase-out. We heard significant evidence, when we were in WA, about the importance of these types of flights, particularly to fresh carcass. Has the department done any work in not just the Qatar Airways decision but, indeed, the government's decision to phase out live sheep exports on freighting large carcass? Because the government seems to think that there's an unlimited air freight capacity available. That is very different to the type of capacity that this particular flight would have offered, particularly to sheep producers in the West.

**Mr Baxter:** I believe the answer is no, but I will have to check it and provide the answer on notice.

**Senator McKENZIE:** Thank you. What are the major markets affected by the air freight sector in the Middle East? And do you agree that freight capacity to the Middle East would help our export markets, Mr Baxter?

**Mr Baxter:** I don't know the answer to—

**Senator McKENZIE:** Mr Baxter, what sort of questions did you think you'd be coming to answer tonight?

**Mr Baxter:** Generally, I expected to answer about the government's approach to trade.

**Senator McKENZIE:** And part of that would be freighting primary produce?

**Mr Baxter:** Trade policy is generally the focus of these sessions.

**Senator McKENZIE:** But we would be assuming that the trade section of this department would be examining existing capacity, latent capacity, new opportunities, and making sure that one arm of government wasn't acting in direct opposition to the other arm of government, which is what actually seems to have occurred in this instance.

**Mr Baxter:** We do have economic and litigal capacity in the department, it's true, and that capacity is used to look at issues affecting trade and investment, including specific questions of Australian trade and investment. I am not aware that that area has been asked to look at any of these questions, though I can check.

**Senator McKENZIE:** Thank you. I would appreciate it, just so that we can understand Minister Watt's decision's impact on the freight task to the Middle East and the impact on primary producers particularly.

**Senator Farrell:** You're referring there to the live sheep issue?

**Senator McKENZIE:** Yes. And that's where Qatar Airways would have got that section of the trade in.

**Senator CADELL:** According to LiveCorp annual report for the last year, tabled in parliament just a couple of weeks ago, total live sheep exports rose by 41 per cent to 691,797 head. Doesn't that contradict the government's mantra that live sheep is a diminishing trade?

**Senator Farrell:** Who are you asking that question to?

**Senator CADELL:** I'll ask that to you, Minister, but if you want to pass it on, I'm happy for you to pass it on.

**Senator Farrell:** I haven't seen that particular reference. There might be somebody here who knows more about it, by the look of it.

**Senator CADELL:** It was the LiveCorp annual report 2022-23. It was tabled in parliament 18 October 2023. And it was a 41 per cent rise.

**Mr Woods:** We haven't been tracking this work. We haven't been asked to do so. I would refer you to the department of agriculture.

**Senator CADELL:** So we're not looking at how much our trade is—is that what we're saying in this report? We're not looking at a 41 per cent increase in trade to what was told earlier in the Middle East is a significant market?

**Mr Woods:** I guess the way I think about it is that you're asking a question in the context of a specific policy proposition. That policy is being carried by the department of agriculture. They would be the ones who would be closer contact and closest watch and monitor in terms of the movement in that sector and that industry.

**Senator CADELL:** Mr Baxter, can you confirm whether trading partners and international market participants can lodge what is, and I quote, 'Legitimate claims and challenges via the WTO, as referred to in the NFF, for the cancellation of the live trade act.' Have you looked at that?

**Mr Kenna:** No, we haven't looked at that question. In general, I would say that, of course, there are a range of agreements that all WTO members adhere to, obviously. They can raise any concerns that they wish to, and regularly do, in the relevant WTO committees. That's where trading partners would typically first raise any concerns.

**Senator CADELL:** Given it's been raised by the NFF as a real thing in their panel submission, when would the department potentially start looking at something like that if we are exposing Australia to action under WTO?

**Mr Kenna:** We would firstly monitor it in the WTO committees. If we thought that we had any vulnerabilities, we'd then begin to do some closer analysis.

**Senator CADELL:** Mr Baxter, in previous estimates, the government has maintained that there has not been any negative feedback from the live sheep destination countries regarding the phaseout. Is that still the same at DFAT, where there's been no negative response?

**Mr Baxter:** I'm not aware of any change in the messages that we have received on this issue from trading partners, but I would have to take that on notice because, again, that's a question that our Middle East area would be most directly familiar with.



**Senator CADELL:** There's been no change, but if they hated it before, they'd hate it now. Is there a dissatisfaction?

**Mr Baxter:** I don't have anything to add to evidence that's already been provided to the committee.

**Senator McKENZIE:** Just on that, Minister, have you been in receipt of any correspondence from primary producer groups, particularly from the west, but nationally, raising concerns about the opportunities in not just Kuwait but Saudi et cetera for our sheep meat products, particularly the live products?

**Senator Farrell:** I don't believe so. But, again, just out of an abundance of caution, I'll check. Nobody has raised that directly with me. Don't get me wrong, I read the newspapers. I see that the National Farmers Federation is not happy with the direction that the government is heading. I will point out that, as part of our promise that we took to the last election, we indicated we were not going to make any changes to the trade this term of government and that it would be in the next term of the government that we would make the change. But, no, they haven't raised that with me. The point that the two other witnesses have been making is that the conduct or the carriage of this issue is with the minister for agriculture. I would have thought he would have been the one who would have—

**Senator McKENZIE:** He can't even front up to the farmers and explain himself, Minister. No, I'm sorry, go to the west and have a conversation with them. They're furious. The bottom has fallen out of the sheep market, domestically and internationally. The simple question from me and Senator Cadell is: are you looking at other markets? If you're phasing it out in the next term of the Albanese government, why are producers having to bear the brunt of that right now? And what correspondence have you had? Minister, if you don't know your corro, I remember that the department used to have to collect the corro, register the corro and send it back up. So, Mr Baxter, can you go—

**CHAIR:** Do you know every single corro that comes in as a minister? So, with every single correspondence, you knew what was coming in?

**Senator McKENZIE:** No. I know it went to the department. I know the department knows.

**CHAIR:** You've asked the minister.

**Senator McKENZIE:** Now I'm going to the department. Have you had any correspondence addressed to the minister around the issues of the live export trade?

**Mr Baxter:** I would have to check on that.

**Senator CADELL:** Is it true that you had discussions with DAFF seeing as they are no longer entering into new trade agreements in places like Saudi Arabia for live sheep exports even though the market hasn't ended yet?

**Senator Farrell:** Run that by me again?

**Senator CADELL:** The Department of Agriculture, Fisheries and Forestry are no longer negotiating any new live export deals, even though the trade hasn't finished yet. Are you aware of that?

**Senator Farrell:** I'm not personally aware of that, no.

**Senator CADELL:** Was there any consultation with the department about that position?

**Mr Baxter:** I'd have to check on that.

**Senator CADELL:** Have we looked, from a trade perspective—you mentioned that there was a great opportunity for new jobs in killing things; it doesn't matter that New Zealand is going to do that—has anyone in Trade looked at whether we have the capability to slaughter another 550,000 sheep, given the extreme labour shortages in slaughterhouses in Australia?

**Senator McKENZIE:** Very good question.

**Senator Farrell:** I agree with Senator McKenzie. That is a good question. There are labour shortages around the country. I guess my point about increasing abattoirs in this country is that it wouldn't happen overnight. The government has a plan to increase or deal with the labour shortage issues. I don't think there's been any time in my lifetime when we've had such low levels of unemployment. So, I agree with you. It can be difficult to find labour. But, given we're talking about some time in the future, I would hope that as time goes by, if we were to expand our abattoir offerings to the world then we would be able to find the suitable labour to do that work.

**Senator CADELL:** A sheep farmer in Western Australia just gave away 600 sheep for free, and it looks like he may have to shoot the rest, the ones he wasn't able to give away. We're talking about the slaughter capability. The last time I'm aware that Minister Watt went to Western Australia to meet sheep producers—and I'm not saying it was the last time he was there—was 22 June 2022. He met with Fletcher International, V&V Walsh and Minerva Foods and said that there was an additional capacity of approximately 1.35 million head. However, that

would be under the assumption of reopening processing establishments, restarting operations and staff that aren't there. Since then, the Minerva Foods Shark Lake abattoir has ceased. Are we really talking about there being an opportunity to sell processed meat, given that we can't process what's over there at the moment and there is no market?

**Senator Farrell:** Well, I'm sorry to hear that any farmer is shooting their sheep. That's obviously a terrible situation. I think it's easy to say, 'Oh, well, all of our problems with an oversupply of sheep or the price of sheep relate to this decision.' I don't really think that a fair assessment. What I'm told by sheep farmers who are in my area of the world is that a significant part of the problems that the sheep industry is now facing is that we had a couple of really good years of rainfall, and that resulted in sheep numbers increasing, and there is an oversupply. I've seen that in respect of grapes this year as a result of the bans on supply of our wine into China. Many of my neighbours simply left their red wine grapes on the vine. You can have this oversupply issue. So, to be honest with you, Senator Cadell, I think it's an oversimplification to simply blame the decision in respect of the live sheep trade. It's especially so given that it hasn't been implemented. It is strange to say, 'Oh, look, this has all been caused by the government's decision—'

**Senator CADELL:** Will it get better when the live sheep export ends?

**Senator Farrell:** Look, I've told you what I would like to see as one potential solution. Now, maybe the industry doesn't like that idea. I would encourage the industry to engage with Minister Watt—

**Senator McKENZIE:** They can't find him!

**Senator Farrell:** Well, they found him today. He was right there, at their conference, being as direct as he always is. I see many commonalities between me and Senator Watt—

*Senator McKenzie interjecting—*

**Senator Farrell:** Many differences, but some commonalities!—and one of them is that we're both prepared to talk to anybody. He's got an open-door policy. You might not like what he says—

**Senator McKENZIE:** He just doesn't have an open mind, Minister. He has an open door but not an open mind.

**Senator Farrell:** I do not agree.

**Senator McKENZIE:** Can I request a view, then, Minister. You talk about the minister for agriculture's open door. Meanwhile he's shutting the door on our live sheep export trade. My question to you as a trade minister is: will you commit to our committee, to rural and regional Australians and particularly to those sheep producers in WA that you will meet with Saudi Arabia and you will meet with Kuwaiti representatives to find a solution for our primary producers in the time between now and when it is phased out? Right now, markets are walking away, regulators are shutting the door and producers are having to shoot sheep. That's what is happening out there in light of this government's policy. Until that decision is made, I would personally really appreciate, as I know others would, that you as trade minister commit to meeting with Saudi and with the Kuwaitis to keep the trade open and see what opportunities are available until it is phased out.

**Senator Farrell:** What I can commit to is discussing the issue with Senator Watt. We have had—

**Senator McKENZIE:** His mind is made up.

**Senator Farrell:** He's got a policy to implement—

**CHAIR:** It's government policy.

**Senator McKENZIE:** In the next term of an Albanese government, but in the meantime—

**Senator Farrell:** What would be worse is if he said, 'Okay, tomorrow we're cutting off live sheep exports.' No. He's not saying that. He's saying: 'Look, we've got a political commitment to do this. We intend to do it. But I want to engage you on how we can best maintain your standard of living and your business, not to see sheep unnecessarily shot'—

**Senator McKENZIE:** Just the Saudis and the Kuwaitis in the meantime. I would appreciate it if you put this on the agenda of your next meeting with those ambassadors.

**Senator Farrell:** I'll talk to anyone. I will talk—

**Senator McKENZIE:** Are you refusing? Are you refusing to do that?

**Senator Farrell:** No, I'm saying the opposite. I will talk to anyone who—

**Senator WHITE:** Listen to the answer!

**Senator McKENZIE:** I'm sure the minister doesn't need your protection, Senator White.

**CHAIR:** Settle down, everyone. We've only got five minutes left to go with this department, so just calm down.

**Senator Farrell:** I appreciate Senator White's protection.

**Senator WHITE:** I sat through RRAT for 14 hours. I heard what was said.

**CHAIR:** Tell us about it, Senator White! Minister.

**Senator Farrell:** I will talk to anybody if it results in Australia improving our trading position. That's my job. That's what I've been doing for 18 months.

**Senator McKENZIE:** Thank you.

**Senator Farrell:** But I'll do it in conjunction with Senator Watt, because I'm not going to cut across his portfolio. He's doing a really good job. You might disagree, but I think he's doing a really good job in this space.

**Senator McKENZIE:** I think he's polishing his CV for another job, but anyway.

**CHAIR:** Senator Cadell.

**Senator CADELL:** This is the last question. I raised a question from the Kuwaiti Minister of Commerce and Industry, Mr Mohammad Othman Al Aiban, that was written about on 14 September 2023 in a newspaper article. Mr Al Aiban pleaded with him to dump the ban, saying Australian sheep were crucial to food security and social stability in the Middle East.

"Regrettably, the Australian government is showing very little deference to this considering what the trade has and currently means for both countries and the region in general," ...

"Our government ... will not be lessening its stance on the importance we place on live animal exports. They are of significant relevance to our religious, cultural and social stability."

How, when a minister of government writes that to us, are we not looking at the impact on trade to the whole region?

**Senator Farrell:** Governments in the Middle East are entitled to express a point of view. We get all sorts of entreaties from all sorts of governments about things that they would like us to do or would not like us to do. At the end of the day, though, I go back to first principles, and first principles here are that for two consecutive elections the Labor Party took the policy to end the live sheep trade. It's clear you don't agree with it; it's clear that the Kuwaiti government doesn't agree to it. But the Australian people voted for a government whose policy that was, and, like it or not, we are a government that carries through with the policy decisions that we take—all of them.

**Senator McKENZIE:** The \$275 for electricity bills—how's that going?

**Senator Farrell:** Ask Minister Bowen.

**CHAIR:** Senator Chandler has the call—about live sheep in Tasmania, I think!

**Senator CHANDLER:** I will not be talking about sheep in Tasmania. Minister, I understand your counterpart from Ireland visited earlier in the year.

**Senator Farrell:** Not my exact counterpart, but I've certainly met some Irish ministers.

**Senator CHANDLER:** The Minister for Enterprise, Trade and Employment—does that ring a bell?

**Senator Farrell:** I'm not sure he's quite the exact—

**Senator CHANDLER:** We might get the expert to the table.

**Senator McKENZIE:** The diary manager?

**Senator Farrell:** You've got my diary, I think. Anyway, I have met with representatives of the Irish government recently.

**CHAIR:** He meets with many Irish people.

**Senator CHANDLER:** What was on the agenda?

**Senator Farrell:** We talk fondly with the Irish. We have a good relationship with them. I was recently in Ireland myself. It's a special relationship between Australia and Ireland. I was watching the Prime Minister and the US President on the TV at lunchtime talking about their Irish heritage. We generally don't talk publicly about discussions that we have had, but is there some particular issue that you're interested in?

**Senator CHANDLER:** It's funny that you mention that! I was keen to know whether in your conversations with the Irish government you raised Labor's policy on the reunification of Ireland, which I understand was passed at your national conference.

**Senator Farrell:** Oh, is this where we're getting to?

**Senator GREEN:** The national platform? You guys know what's in there better than I do!

**Senator CHANDLER:** Don't say that too loud, Senator Green; I don't think that speaks too well of either of us!

**Senator GREEN:** You seem to read it and bring it to estimates more than anyone else.

**Senator Farrell:** I'm a descendant of a farmer from southern Ireland, so I do have a personal view about—

**Senator CHANDLER:** Are you going to share it in this forum?

**Senator Farrell:** I'm happy to share it. I would love to see the reunification of North and South Ireland. It would have been great if it had happened in 1922. It would have saved a lot of Irish lives in the south and avoided what was a terrible and bloody civil war. It's interesting that Australian Irish attitudes to Ireland changed immediately after that. Prior to that time, the sentiment of Australians of Irish extraction was very much in favour of reunification. Once the civil war occurred, generally speaking, they washed their hands of the Irish question. But the short answer to your question is no, I did not raise the issue of reunification with them.

**Senator McKENZIE:** It's a little bit outside your portfolio.

**Senator Farrell:** And I wouldn't. If anybody were going to do that, it would be perhaps the Prime Minister or the foreign minister, and I don't step into the shoes of my colleagues.

**Senator CHANDLER:** Minister, given you feel so passionately about this particular policy—

**Senator Farrell:** I didn't say 'passionately'.

**Senator CHANDLER:** Strongly; sorry.

**CHAIR:** It's a personal view.

**Senator Farrell:** It's a personal view.

**Senator CHANDLER:** I'm wondering whether, given your personal view on the matter, you or your office have requested any advice from your department regarding matters related to the reunification of Ireland.

**Senator Farrell:** No.

**Senator CHANDLER:** You have not?

**Senator Farrell:** No.

**Senator CHANDLER:** Have you communicated with the ambassador to Ireland regarding the reunification of Ireland?

**Senator Farrell:** I don't believe so. I've had a very warm relationship with all of the Irish ambassadors to Australia. It's perfectly possible that, in some discussion, the issue of reunification may have arisen, particularly in the context of Brexit, but I would never cross the line and express a point of view—

**Senator CHANDLER:** Beyond the one you just expressed in this forum.

**Senator Farrell:** Beyond my own personal view—I would never deign to express a point of view that was not appropriate for me to express. There would've been times, depending on which particular ambassador I was talking to, when the subject would've come up.

**Senator CHANDLER:** Did it come up, by any chance, in conversations with the UK ambassador? My understanding from the news reports is that they're not very happy about the policy.

**Senator Farrell:** The high commissioner, you're talking about?

**Senator CHANDLER:** Yes—both ways, really.

**Senator Farrell:** I've certainly not had a conversation with Stephen Smith about the issue. In fact, I don't know what his view might be. Again, I've frequently had conversations with the UK high commissioner, but I would say just about every one of those conversations was about the free trade agreement, and, again, I would never have raised that issue with the UK high commissioner.

**Senator McKENZIE:** Formally raised?

**Senator Farrell:** Formally or informally—it's not the sort of thing I would do. There are plenty of other things to talk about.

**Senator CHANDLER:** Did the UK high commissioner raise any concerns with you?

**Senator Farrell:** She has never raised any concerns about that issue with me.

**Senator CHANDLER:** Specific to that issue?

**Senator Farrell:** No, she's never raised any issues with me.

**Senator CHANDLER:** I think that's all from me, Chair.

**CHAIR:** On that note, thank you to the department. Thank you, Mr Baxter. Enjoy your evening.

### **Export Finance Australia**

[21:04]

**CHAIR:** I now welcome Export Finance Australia. Managing Director and Chief Executive Officer, welcome. Do you have an opening statement? You don't have to have one.

**Mr Hopkins:** No.

**CHAIR:** Excellent. Thank you. I'm going to go straight to questions. Senator Cadell, you have the call.

**Senator CADELL:** Thanks for coming along. I have a number of process questions. Can you provide the finance EFA has provided since May 2022, since this government came in—we're happy to have it on notice—tabled by month, state and sector?

**Mr Hopkins:** We can do that. I'll take that on notice.

**Senator CADELL:** Has the EFA provided finance to any applicants who have interests in fossil fuels, gas or coal?

**Mr Hopkins:** There would be amongst that list.

**Senator CADELL:** Have you received any directives since then advising you not to proceed any further with supporting gas and coal projects?

**Mr Hopkins:** No, we haven't, other than the changes to our legislation, which would impact our assessment of transactions in that sector.

**Senator CADELL:** So just the legislative changes, no other direction?

**Mr Hopkins:** Yes.

**Senator CADELL:** Going through critical minerals, we've heard Minister Farrell talking about the processing being a great thing with Europe. How many times has the EFA critical minerals lending facility been used over the last 18 months?

**Mr Hopkins:** I don't know about the 18-month period, but we've got three major transactions on that facility. I can give you the time and name of those transactions. One is Iluka Resources. There's EcoGraph and—

**Senator CADELL:** Are you able to say the amounts?

**Mr Hopkins:** Yes, we can. Iluka Resources is, I think, \$1.25 billion.

**Ms Copping:** Renascor is \$185 million, and EcoGraph is \$56 million equivalent.

**Senator CADELL:** They're obviously varying amounts. Were they all for different ways of supporting critical minerals? Obviously the smaller one is not building a mine. What stages were those? What were they for?

**Ms Copping:** Iluka is a rare-earth refinery, and EcoGraph and Renascor are graphite.

**Senator CADELL:** Do we have an outline on the time frames by which each of these projects will be delivered? Are they operating already, or are they still—

**Ms Copping:** No, they're not operating already. Iluka is currently in the process of construction. EcoGraph and Renascor are still finalising the conditions precedent to draw down under those facilities.

**Senator CADELL:** In another committee, as part of this, we're talking about numbers of up to 42 mines for different minerals, metals and all sorts of things for projects on the go. Are we seeing a longer delay in environmental approvals? Is it taking a longer time to meet the lending criteria that might be put with this funding?

**Ms Copping:** We're not noticing a difference. We have a number of projects in the pipeline that are progressing. As you know, 'environmental' is one of the aspects required for us to be able to fund.

**Senator CADELL:** And you're not aware of reporting that any of the projects you're funding are having trouble meeting time lines and milestone dates, more than usual? All going well?

**Mr Hopkins:** No more than usual—

**Ms Copping:** Across the portfolio.

**Mr Hopkins:** But these are complex transactions. There's complexity to them, and sometimes there are delays.

**Senator CADELL:** Would you have a list—to table later—of any that are delayed by more than, say, 60 days?

**Mr Hopkins:** I think it's up to the companies how they wish to progress their transactions and how they wish to fund them over time. We provide the initial funding, obviously, and companies can draw down on that funding as they see fit.

**Senator CADELL:** In the other committee, they were looking at a lowering of investment into energy projects by about 40 per cent to FID. Are you seeing a lowering in application numbers or anything in projects for EFA in different areas?

**Mr Hopkins:** I don't think we're seeing a lowering, but there's a huge shift in the market around energy projects. Obviously, we're seeing a big shift away from fossil fuel projects into renewables. That's absolutely something that we're seeing, and critical minerals projects are an extension of that, given the output is used for renewable projects.

**Senator CADELL:** So similar quantum and similar book size, just different focus?

**Mr Hopkins:** Yes. We're seeing a shift in the large transactions that we used to, previously, support in the fossil fuels sector, or see in the fossil fuels sector. We're seeing similarly large projects now in the renewables sector, not just in Australia but globally.

**Senator CADELL:** Would you have a quantum, by dollar, for the applications that you received in the last financial year?

**Mr Hopkins:** We don't necessarily receive applications. We will monitor transactions, as my colleague said, in our pipeline over a number of years. Some of these large transactions we'll see maybe this year and they mightn't reach maturity for three or four years, when they reach the position where they actually are seeking finance.

**Senator CADELL:** Do you see more things dropping off the pipeline—getting FID and walking away? Has that been noticeable?

**Ms Copping:** No, not noticeably.

**Senator CADELL:** Interest rates haven't hit them or anything like that?

**Ms Copping:** They're progressing through all the things they need to to be ready to seek funding from us, so not at the larger scale project financing size.

**Senator CADELL:** Are you hearing anecdotally that the increased cost of capital is slowing things, that people are waiting and seeing or anything like that? I'm just trying to get a feel for the market generally.

**Mr Hopkins:** The global market has an impact on transactions. When interest rates go up it has an impact. When there are labour shortages it has an impact. It's the normal things that you would expect to see.

**Senator CADELL:** We have both of those at the moment, unfortunately.

**Mr Hopkins:** At the same time the number of projects that we're seeing in our pipeline is obviously increasing, particularly in the sector that you're talking about.

**Senator CADELL:** I don't have a lot more. I have a few things I have to process. Since the change of government have there been any changes to the minister's delegation to the CEO, both generally and in relation to travel?

**Mr Hopkins:** No. Obviously post COVID we're doing a lot more travel.

**Senator CADELL:** I hope so. I hope you didn't do much during COVID.

**Mr Hopkins:** No.

**Senator CADELL:** Especially around critical minerals, does Australia still have the money and the investment—and there has been a lot of money around the world on these sorts of projects—to be a leader on this in the years ahead?

**Mr Hopkins:** I can only speak for our organisation, but, given that we play a role in the execution of the Critical Minerals Strategy through our Critical Minerals Facility, we are certainly seeing growth in the number of transactions in that sector. In fact, we expect to see growth in other sectors in the future, such as hydrogen. For us there is absolutely growth, but not all those transactions are finance-ready for us yet, so a lot are still at the early stage. As we gain capability in this space, junior miners are becoming more experienced and, therefore, becoming more capable of putting together transactions that are again subject to our review and potentially our financing.

**Senator CADELL:** Are you already contractually involved in any projects around hydrogen?

**Mr Hopkins:** We have transactions in the very early stage. Certainly it's a sector that we take a keen interest in and we see some great opportunities for Australia in at some point in time.

**Senator CADELL:** Chair, I have nothing else.

**CHAIR:** Excellent. Senator Green.

**Senator GREEN:** Hello. Just following on those questions on critical minerals, I know that there was an announcement recently about expanding critical minerals financing. Can you take us through how many critical minerals projects the EFA has funded to date and what projected demand for project finance is at this point?

**Mr Hopkins:** I'll take the number on notice because we also finance in the SME sector, so there are a lot of transactions that may be linked to the critical minerals sector and I wouldn't want to leave those out. So, if you don't mind, I'll take that on notice.

**Senator GREEN:** Okay. Do you have the number without the SMEs?

**Mr Hopkins:** I can give you five larger ones that we've been involved with.

**Senator GREEN:** That would be great.

**Mr Hopkins:** There are the three I just talked to Senator Cadell about—Iluka, EcoGraf and Renascor. We also have a commercial financing capability. We recently financed Pilbara Minerals, a lithium producer, to \$125 million and also supported Liontown, another lithium producer, to \$25 million. You may have seen in the press that we are continuing to support Liontown with another \$200 million shortly.

**Senator GREEN:** We're in the Senate so we're pretty keen to know what states those five projects are in. That's important to us as senators.

**Senator CADELL:** Western Australia I'd say.

**Senator GREEN:** Mostly Western Australia?

**Mr Hopkins:** Mostly Western Australia, but South Australia for EcoGraf.

**Senator GREEN:** There you go.

**CHAIR:** I'm just trying to ask if Queensland could have a slice of the pie, but anyway.

**Ms Copping:** No, Renascor is in South Australia. EcoGraf is in Western—

**Mr Hopkins:** Western Australia.

**Senator GREEN:** In terms of the projected demand, is that something that you can assess at this time? Are there applications? Where are conversations about the future financing at?

**Mr Hopkins:** I think, in relation to demand, our financing is often conditional on offtake. It is something that we are interested in. What we want to see, as an export credit agency, is an expansion of the countries to which the offtake is going. That's something that we are very concerned about, as to expansion in the number of countries that take advantage of these resources.

**CHAIR:** Can I just ask: which countries?

**Mr Hopkins:** As we mentioned, there's some very keen interest in Europe, as I think the minister had indicated, around critical minerals. Anecdotally, for us, Europe has been a market that hasn't really raised the issue of critical minerals before, but certainly, over the past 18 months or so, we've been seeing a heightened interest in Australia's critical minerals capacity—and not just our capacity but also the technology that we're developing that goes alongside extracting these materials from the ground. Australian expertise in mining has always been incredibly way ahead of the world, and, again, in the critical minerals space, we're also seeing the transfer of this capability. As Australia's export credit agency, we want to be there to help support those sorts of exports as well.

**Senator GREEN:** Thanks, Chair.

**Senator Farrell:** Just on that, Senator Green, you might have seen overnight that, particularly in respect of critical minerals, we're increasing our potential investment in that space. There has been a lot of discussion about an American piece of legislation called the Inflation Reduction Act, and it's fair to say that there's been a lot of concern in Australia about its potential impact on Australian investments. I'm perhaps less pessimistic than some groups about the implications of that act. The reason is this. There's a range of provisions in the Inflation Reduction Act, but, in particular, what that act does is: it mandates that, in respect of electric batteries which go into the electric cars that are going to be built by the American auto industry, starting at 40 per cent and then moving to 80 per cent, the critical minerals that go into those batteries have to come from countries which satisfy two criteria. Criterion No. 1, obviously, is that they have the critical minerals, and of course Australia is

extremely fortunate in that we have either the most or the second-most reserves of all the critical minerals that are going to go into these batteries. Criterion No. 2 is that they have a free trade agreement with the United States, and of course we do have a free trade agreement with the United States. So we satisfy both of those criteria, and there are only a couple of countries in the world that do.

Why that's going to be so important is that California has now mandated that, by 2035, they're not going to allow the sale of fossil-fuel-engine cars. Now, in my view, what that means is that the whole of the United States will move to a ban on fossil-fuel cars. So we are on the cusp of a massive expansion of the critical minerals space, and the investment that this organisation is making will be absolutely crucial to our success in that process. So I personally think we're on the cusp of a golden age in critical minerals, and that, as you know, would be part of our ambition to become a renewables superpower.

**Senator GREEN:** Great. You mentioned the announcement by the Prime Minister recently about the expansion of the Critical Minerals Facility. Can you take us through that extra financing, how that will work and where we are aiming that? Are we looking to the US market? Are we focusing on those countries, or is it just building on some of those investments that have already been made?

**Mr Hopkins:** Previously, the Critical Minerals Facility had topped out at \$2 billion, so effectively that's an indication to the market that Export Finance Australia, through the government, is willing to invest up to \$2 billion in the critical minerals space. Those three transactions that were referred to add up to about \$1.5 billion, so we're running out of room. The additional \$2 billion gives us some extra headroom to be able to now look at other transactions that might benefit from finance out of that facility as well. We've got a very strong pipeline of transactions already that we feel can take advantage of that additional capacity, and we look forward to talking to you about some of those transactions possibly in the near future.

**Senator GREEN:** There's already a list that you've got that are ready to go?

**Mr Hopkins:** Yes, there is.

**Ms Copping:** Yes, we have a list. Are they ready to go? They come to us when they're ready to seek finance, and then, when they're ready to seek finance, that's when we consider them. So there are various stages of development projects in the pipeline.

**Senator GREEN:** That's good to know. I know you can't reveal who's on the list, but are we looking at, as the minister said, the US market? I'm wondering if that additional funding is targeted towards more expansion into America or whether it's a general step up from where we were?

**Mr Hopkins:** It's targeted globally—so Japan, Korea, obviously the United States. But, as the minister indicated, the United States is going to have an incredible need for lithium, for example, to make batteries and components associated with electric vehicles. That's obviously a very important market for us as well.

**Senator GREEN:** How does the facility encourage additional investment around value-adding? This is funding for critical minerals, but the minister has alluded to the component of the technology that we are creating and investing in around the critical minerals space. Is there some work that you do with the proponents around how to value-add and create more of a supply chain with that funding?

**Mr Hopkins:** The facility supports the Critical Minerals Strategy, which, as you say, is really around promoting not just the extraction of critical minerals but downstream processing. So, when we are looking at transactions, we are assessing their value in terms of whether they include downstream processing. But, more broadly than that, I think we're also looking at what they will do to the global market—will they increase the supply of certain minerals to different markets as well, so create other supply sources for different minerals. So it's a combination of a number of different things. But, yes, is probably the short answer.

**Senator GREEN:** I wouldn't be a Queensland senator if I didn't ask this: is there a criteria to try to find a geographical spread of these projects? Are we going to have some Queensland projects on the list?

**Ms Copping:** We don't talk about individual proponents—

**Senator GREEN:** I understand that.

**Ms Copping:** but I can say, based on support letters that are public, that we have projects in Queensland, Northern Territory, Western Australia and South Australia. They're not just in one state.

**Senator GREEN:** Great. That's good to hear.

**Senator WHITE:** I presume other countries have made this assessment of where critical minerals are going to go. Which other countries are investing alongside EFA in critical minerals?



**Mr Hopkins:** A lot of these projects are enormous. We, alone, can't finance them, so we finance along the private sector as well as other government agencies or others, like export credit agencies like ourselves. What we're seeing is cooperation amongst export credit agencies to catalyse private finance into some of these transactions. As I mentioned earlier, a lot of these are put forward by junior mining proponents who might find it difficult initially to get private finance. Our involvement sometimes helps in that process. Also, in relation to attracting foreign investment, a lot of the other export credit agencies around the world look to us, and if we're involved in a transaction domestically, they will get comfort out of that and they will also look to finance alongside it. It's truly a global effort, but I'm pleased to be able to tell you that we are seeing cooperation amongst other export credit agencies in their investment in Australia.

**Senator WHITE:** Is your concentration or your focus on this and the Critical Minerals Strategy bringing further capital and further investment into Australia?

**Mr Hopkins:** Absolutely.

**Senator WHITE:** I don't think you answered my question about which countries. Are you able to say?

**Mr Hopkins:** For us, it really depends on where the offtake is happening, so if the offtake is happening to Japan, the Japanese export credit agencies will be very involved. Similarly with Korea. It really depends on where this offtake is going as to whether you can attract those national export credit agencies.

**Senator WHITE:** I presume you have ongoing connections with those other organisations and that you're cooperating and not competing because it's so much money.

**Mr Hopkins:** Absolutely, and there are mutual benefits to us both being involved. There's certainly cooperation rather than competition.

**Senator WHITE:** I presume they've made the same assessment as you shared with us, that this is where it's going to go. If California is doing this, then people would want to get on board?

**Mr Hopkins:** Everyone is trying to get on board.

**Senator CADELL:** Across the different critical minerals commercial funds, what's the size of the book in each category you've got at the moment?

**Mr Hopkins:** I want to give you the accurate number, so I'll take that on notice.

**CHAIR:** Apart from what the minister said about batteries, are there other renewable projects?

**Mr Hopkins:** We've just finished co-financing an offshore wind farm in Taiwan in the Taiwan Strait. Again, for us that's a first, and it brings the expertise of being able to finance those types of transactions back into Australia. These are new things that are happening.

**Senator CADELL:** Was that floating or fixed.

**Mr Hopkins:** Fixed. I learnt a lot about pylons in the ocean.

**CHAIR:** That's excellent news, and I think there's a lot of potential there for both export and our domestic industry, including manufacturing. Is any of the finance involved with the National Reconstruction Fund, which the government has committed to?

**Mr Hopkins:** I imagine the National Reconstruction Fund, when it gets going, will be very interested in some of these projects, but that is separate to us.

**CHAIR:** So there's potentially additional money on the table. I was recently in the UAE on a delegation. Does the UAE have any investment here in our renewables or do they talk about how they can pour more money and more investment into the renewable space?

**Mr Hopkins:** I don't have anything specific about the UAE.

**CHAIR:** Thank you very much for being so patient this evening.

#### **Australian Trade and Investment Commission**

[21:29]

**CHAIR:** Good evening again, everyone. Chief Executive Officer of the Australian Trade and Investment Commission, welcome tonight.

**Mr Simonet:** Thank you.

**CHAIR:** Mr Simonet, do you have an opening statement?

**Mr Simonet:** Yes, I do—a brief one.

**CHAIR:** Excellent. Thank you.

**Mr Simonet:** Austrade is Australia's Commonwealth agency responsible for promoting international trade, investment and education, and tourism policy. As Australia and the world are facing strategic challenges, Austrade's role matters. In this context, our priorities are closely aligned to government—namely, diversification, net zero, economic security, First Nations, visitor economy and trade modernisation. We deliver on these priorities by connecting Australian companies to the world and international investors to Australia, helping them to build pipelines of quality investments and to grow and diversify their exports through our presence in 106 locations, including 65 overseas posts.

We deliver on these priorities by advising the government on tourism policy and leading the promotion of international education. In this capacity, Austrade continues to drive the implementation of the THRIVE 2030 visitor economy strategy. We are also supporting simplified trade system reforms, including the simplification of cross-border regulations and government processes. We are also supporting Australians overseas via our consular staff, who are always on hand. This includes the ongoing efforts of our team in Dubai assisting the repatriation of Australians impacted by the tragic situation in the Middle East.

These focus areas support Australian businesses and contribute to Australia's economic prosperity and security. We know that exporters on average employ more people than non-exporting firms, and exporters on average pay higher wages. One-in-four jobs in Australia is a job that comes from trade. Investors contribute to one-in-10 jobs in Australia. As far as the visitor economy is concerned, the THRIVE 2030 strategy aims to return the sector to \$166 billion by 2024 and grow to \$230 billion by 2030.

I take this opportunity to thank all our Austrade teams around the world for their work and commitment.

**CHAIR:** Thank you very much for that. Senator Cadell.

**Senator CADELL:** We'll start with the important but unexciting STS.

**Mr Simonet:** Sure.

**Senator CADELL:** I think we spoke of STS at the last and at every estimates. Can we get an update on how that is progressing?

**Mr Simonet:** I'm going to say a few words to say that the government has established a simplified trade system implementation task force. This is a whole-of-government initiative, and Austrade has been asked to support and host the task force. Simplifying trade systems is about helping exporters and importers by making access to information easier, making the rules simpler, modernising outdated IT systems, increasing digitisation and making the flow of goods easier, cheaper and quicker.

**Senator CADELL:** How is it going?

**Dr Hubbard:** Since we last updated the committee in June, we've hosted a summit and had a round of consultation on STS reforms, and in August this year we published a progress and opportunities document that sets out in a bit more detail what's underway and what's been achieved.

**Senator CADELL:** Not a problem. It might be worthwhile for record keeping if we could table that separately. I know it's already been out in public, but just put it in as part of the committee. With the task force now operational, how many ASL have been allocated to it?

**Dr Hubbard:** As of 30 September this year, we have 52 permanent APS staff and 12 contractors assigned to the task force.

**Senator CADELL:** Is that currently employed or is that your full allocation?

**Dr Hubbard:** That's employed as of 30 September 2023.

**Senator CADELL:** Are there vacancies?

**Dr Hubbard:** At this stage, we are just under the ASL allocation of 53.5.

**Senator CADELL:** The taskforce is currently taking forward programs on the regulatory reform and data sharing. What are each of the programs and what is the budget for each of those programs?

**Dr Hubbard:** I might call the expert on that particular matter.

**Mr Curtis:** Senator, was the question about the regulatory reforms and data sharing and funding for each of those?

**Senator CADELL:** Yes, please.

**Mr Curtis:** In the most recent budget, the May 2023-24 budget, the government committed \$23.8 million in funding to the STS. Within that amount is work for the taskforce, and for Australian Border Force within the Home Affairs portfolio and also the department of agriculture. The breakdown within the \$23.8 million is: \$11.5

million for the STS taskforce, \$8 million for Home Affairs and \$1.7 million for the department of agriculture, and there's \$600,000 for the ATO. That was in the most recent budget. That is cumulative, on top of other budget investments that have supported regulatory reform to date.

**Senator CADELL:** Is there any fear of budget overrun with that allocation? Do you think you can perform the tasks required with the budgets you have?

**Mr Curtis:** We are currently running just underneath our planned budget for this financial year, but we're expecting to—

**Senator CADELL:** Catch up.

**Mr Curtis:** complete the financial year within budget.

**Senator CADELL:** That's fine. What are the deadlines for these programs?

**Mr Curtis:** Our taskforce funding is currently to 30 June this financial year. We've been asked to prepare advice to the government, which we are in the process of doing at the moment.

**Senator CADELL:** We sought submissions for the consultation paper. It may be in your report at table 8; I'm not overly familiar. Are all or most of the submissions public, or will they be made public?

**Dr Hubbard:** Yes. The submissions that those who made the submissions indicated could be made public are already public and published on the website.

**Senator CADELL:** How many are not? How many were confidential or [inaudible]?

**Dr Hubbard:** Of the 31 submissions received, 23 are published on the STS taskforce website, and eight submissions are private and not made public on that website.

**Senator CADELL:** Okay. What is the status of the business case?

**Dr Hubbard:** The second pass business case?

**Senator CADELL:** Yes.

**Dr Hubbard:** The second pass business case has been completed and provided to government.

**Senator CADELL:** Nice! How is the stakeholder engagement going, with where we are up to in this phase?

**Dr Hubbard:** As I mentioned before, we've had very good engagement from stakeholders on the consultation paper and at the summit that we held earlier in the year. So I'd say it's going very well. There have been additional representative activities since then.

**Senator CADELL:** You mentioned that, with the advisory council, we had communiques in March and April, and then not until September. Is that a change of meeting date or was there nothing to say? They came out very quickly and then there was a big gap. Is there any reason or rhyme for that?

**Dr Hubbard:** No, 1 September was the next meeting.

**Senator CADELL:** What is the membership of the advisory council? Who are the members?

**Dr Hubbard:** The STS Industry Advisory Council?

**Senator CADELL:** Yes.

**Dr Hubbard:** The membership of the industry advisory council is unchanged since we last presented, but—

**Senator CADELL:** Could we go through it again?

**Dr Hubbard:** I can go through them again for you.

**Senator CADELL:** I couldn't find it on the website, that's all. Is it on the website?

**Dr Hubbard:** It's available on the government directory, so [directory.gov.au](http://directory.gov.au).

**Senator CADELL:** But not on the STS workforce website?

**Dr Hubbard:** It's currently not on that website, no.

**Senator CADELL:** I'm pretty average at searching, so I wasn't sure it wasn't me.

**Dr Hubbard:** It continues to be chaired by Mr Paul Little, with members Marika Calfas, Roger Fletcher, Mark Kellett, Richard White, Michael Schneider, Angela Mentis, Simon Hickey, Maria Palazzolo and Kylie Fraser.

**Senator Farrell:** Do you want to identify which organisations they represent?

**Senator CADELL:** I'm happy to take that tabled. I know a lot of them, but I don't know all of them. That would be good. If you just table their names and their organisations after this, that's fine. It's not needed now.

**Dr Hubbard:** Of course.

**Senator CADELL:** Obviously, when we've found more than 200 regulations that we're trying to simplify it's not an easy task. When do we think we'll be operating?

**Senator Farrell:** Soon, I hope!

**Senator CADELL:** 'Soon' is relative, I think. Do we have a deadline for having a simplified trade system operating, working—'You bewdy! Let's have a beer'?

**Dr Hubbard:** I think a simplified trade system will always be a work in progress. There's always room for regulatory reform keeping things up to date. I wouldn't say there's a deadline on when everything will be done.

**Senator CADELL:** Are there consequences to not having it done by a certain date? I thought there were, that we had to have something—

**Senator Farrell:** I don't think there are any penalties for not having it done. The fact of the matter is that this project was started more than 10 years ago. I'm sure it hasn't made as much progress as the former government would have liked. I don't underestimate the impediments to making progress. It certainly hasn't moved as fast as the current government would like. We're now meeting on a regular basis with some of the other ministers in the area, particularly Minister Clare O'Neill and Senator Murray Watt. It sounds like a really simple thing to do. It's an absolutely necessary thing to do but it's a hard thing to do. I meet pretty regularly with Paul Little. He's very ambitious for this project. We had a recent meeting in Melbourne where, I'd say, a thousand businesses attended. Business understands just how important it is. But there are rules and regulations that have been established. We've got to change the mindset of, in particular, people in government so that they understand just how important this reform is. This reform has the potential to significantly improve the productivity of Australian businesses. Given the government's ambitions to diversify our trading relationships and expand our trading relationship, now is absolutely the time to make a success of this project.

**Senator CADELL:** That's all I have on this, Chair. Unless someone else wants to jump on, I'll move to a different topic.

**CHAIR:** Go ahead, Senator Cadell. Knock yourself out!

**Senator CADELL:** I'll go to EMDG if I may. On the book of whispers, I'm lining myself up to be wrong on this one, so be kind. I've been advised by stakeholders—no absolute knowledge—that the next EMDG rounds will focus solely on South-East Asia. Is that correct?

**Mr Simonet:** The EMDG obviously is an important program. It provides eligible exporters with funding to support export marketing activities and drive growth and diversification. Austrade has been asked by the government to strategically refocus EMDG to better support Australian exporters to develop markets, in line with the government's trade diversification strategy.

**Ms King:** I think the answer to your question is, at this stage, no. What you might be hearing are rumours about the direction that the government is going to go in terms of the strategic refocus that Mr Simonet mentioned. The government—and we talked about this last time, if I recall correctly—has asked us to look at refocusing the program to better align it with the government's diversification priorities but also to look at how we deliver more impactful grants within the overall allocation and ensure the sustainability of the program.

We talked last time a little bit about the where, if there is going to be a focus on diversification markets as part of the program. South-East Asia, for example, is an obvious area where the government would be encouraging exporters to consider the opportunities, which are significant there. Since the last estimates, we've also seen a recommendation in the Nicholas Moore South-East Asia 2040 economic report that says that, in the interests of encouraging exporters to consider South-East Asia and the opportunities there, that should be a focus of the EMDG program. But at this stage we're still in the process of finalising what our advice will be to the minister regarding that strategic refocus, so in that sense there's no firm decision along those lines.

**Senator CADELL:** Is one of the options to limit it to South-East Asia?

**Ms King:** One of the options that we flagged as part of the consultation paper was that there could potentially be a focus of some areas of the program on priority diversification markets, but that is not just South-East Asia. In the consultation paper that we released we referenced South-East Asia, but we also talked about other government priority diversification markets—for example, South-East Asia and also FTA markets as well. Where the government negotiates a new FTA, for example, and there are new opportunities in those markets as a result of an FTA, then it's logical, potentially, to use EMDG to encourage exporters to consider those opportunities.

**Senator CADELL:** That would fit even with traditional markets like the UK or India, which have just had their FTAs ratified in the last 12 months.

**Ms King:** Yes, potentially. That's the sort of idea that we flagged in the consultation paper. But, as I said, there's been no decisions on it yet, and we're still in the process of finalising the advice and what that might look like.

**Senator CADELL:** The EMDG has been operating since 1974. It looks like we're skipping a year. Is that true—the budget jump? Is it 'It got a bit hard this year, so we'll give it a miss and come back next year'? What's the rationale behind that?

**Ms King:** I might go to Ms Palmer, because this is where EMDG does get complicated.

**Senator CADELL:** It's always complicated.

**Ms Palmer:** Thanks for the question. We opened round 3 in this year and we have some considerable planning to do for round 4. We have indicated publicly that we're expecting, if all goes well, to run round 4 from the end of the 2024 calendar year—so open for a round—for the grant assessments to take place through to the start of July 2025. This gives us an opportunity to take whatever decisions the government makes about changes and implement them with a low level of risk. It also provides an incredible benefit in that, since the last change to EMDG, within a very tight timetable and time frame—and it came off the back of the scheme being always a reimbursement scheme, operating in arrears—by having this period of time where we take our time to implement the changes when government makes them—once we've done that we can move to a normal grants cadence. What that means at the moment is that you get grant-amount certainty but you still do not get paid until the year after you spend the money. What this will allow us to do, for the first time, is give people certainty about what grant they will get but also, on a risk based approach, from 1 July of that grant year make a payment in part or in full right at the start of the year. So businesses will not be asked to spend all of their own money and the grant money and then wait to get it back later. There's an enormous benefit in this period, allowing us to make these changes and have the round 4 start at the end of 2024.

The other thing for us is that making changes to the scheme whilst you're also running around, as we did with the change from reimbursement—EMDG1 to EMDG2—is incredibly complicated for everyone in the system, because you're trying to run around on old rules while telling them about the new rules that will start in the next round. That caused incredible confusion. We listened and we understand that. So actually having this gap and opening at the end of 2024, all going well, it will avoid creating that confusion that we had with the last change and it will reduce our risk dramatically because of our IT system. When we changed the last time, we had the old EMGTI system, with which we could run the reimbursement scheme while we were building the new one. But now we have one system, and it would be incredibly risky for us to make major changes to it while we are in the middle of running around. There is a lot of benefit in having this change.

**Senator CADELL:** I hear you but we're still missing a year, aren't we? If the minister comes back from a trade delegation in Brussels, flies all the way and lands in Australia, he skips a day. We are skipping a year.

**Ms Palmer:** What we did to account for this to support businesses was, when we first considered round 3, we considered it as a one-year program. Once we realised that there might be a need to have this gap because of the consideration around refocus, we gave people the opportunity to plan for a subsequent year, and 65 per cent of the applicants in round 3 did do that, so we were then able to give them a second year on their grant agreement.

**Senator CADELL:** Given, when they come back, we will have a diversification focus potentially, a new market focus, what are we putting in place to assess the damage to those who rely upon this program to sell to traditional markets? Are we going to look at positive impacts? We always measure how great we are—we have done this. Are we putting anything in place with EMG to look at those who fall off the tree, those who lose markets, those businesses who rely on this to grow? What has been put in place to look at the Middle East markets the Europe markets, the US markets? How will we look at them and see if the net benefit is worth it?

**Ms Palmer:** The first thing I would say is this is a grant program; it is not an entitlement program. That is the first step.

**Senator CADELL:** But it is meant to grow markets. There is no point growing markets in South-East Asia by \$10 million with cuts to the rest of \$50 million.

**Ms King:** I think we're talking hypotheticals in the sense that we have not finalised the advice. I take your point that if you do have 100 per cent focus on a particular market then of course you will have to think carefully about what the other support is. There is significant support more broadly in Austrade. We are also enhancing our digital capability to support exporters who potentially may not be export-ready or may not necessarily be ready for a particular market that EMDG may be available for—again, noting this is hypothetical at this stage. We're looking at other options for support from Austrade either on the trade services side, one-on-one trade services side or the digital services. That is through the Go Global Toolkit, which we are building on all the time to provide

much better advice and support to particularly smaller exporters who do not necessarily have the time and resources to do all the research that is required for where they want to look at particular markets or explore options for their products. It is a combination of the services that we provide, and we think about that as we are constructing recommendations that we will forward to the minister on EMDG.

**Senator CADELL:** If we look at round 3, by number and by stage, how many were already targeting South-East Asia?

**Ms Palmer:** That is a good question. There are two things I can say about this point. One is the survey we did. There are a couple of points. We have made this public. Just in general, we asked respondents whether their business could target export markets that align with the government's trade priorities. That included both countries in the South-East Asian Economic Strategy and also those with newly or recently upgraded FTA agreements to Australia. Sixty-three per cent of tier 2—expanding exporters—and 58 per cent of tier 3—diversifying and making strategic shift exporters—said they would be able to target those markets. Over half of the respondents said they were already intending to export to South-East Asia in the next five years and almost half to North Asia, so Japan and South Korea as well. They were the quite interesting results from the survey we completed.

**Senator CADELL:** What about the applications, though, in rounds 2 and 3?

**Ms King:** I can give you those. For round 3, 35 per cent of EMDG grantees were exporting to markets in ASEAN. The interesting thing about this statistic is that, in the previous two rounds, there was a big jump between the round 1 and round 2. The figures were 20.8 per cent and 19.8 per cent and then it jumped to 35 per cent in round 3.

**Senator CADELL:** Were they applicants or grantees?

**Ms King:** They were the grantees. The statistics that Ms Palmer just pointed out in the difference between grantees who are currently exporting to South-East Asia and those who are interested in and understand the opportunities in South-East Asia and therefore have an intention over the next three years tell us there is the big difference there, which shows there is significant opportunity, and we are starting to see that in the statistics over the last couple of rounds.

**Senator CADELL:** I take it by the 'waiting for advice', 'waiting for direction' that the guidelines for EMDG have not changed yet? Is that correct?

**Ms Palmer:** The guidelines are issued for each round, so the last guidelines for round 3, which has closed—

**Senator CADELL:** Were the same?

**Ms Palmer:** Yes.

**Ms King:** To be completely accurate, it is not that we are waiting for advice; we are yet to put our advice in.

**Senator CADELL:** On the website, there is no list of unsuccessful applicants, is there?

**Ms Palmer:** We are required under the CGRG policy associated with grants to publish the list of everyone who was offered a grant. What we do not have to do is publish the list or remove from that list people who do not accept the grant or who have their grant agreement terminated. We do not publish a list of grantees after that in terms of what their payment is. We have secrecy provisions associated with the privacy of that information for grantees. We publish the list of everyone offered a grant for each round on GrantConnect.

**Senator CADELL:** Are there secrecy provisions around those who apply but are unsuccessful?

**Ms Palmer:** We have general secrecy provisions. We take those responsibilities quite seriously. Would you like me to take that notice?

**Senator CADELL:** Take that on notice if you can supply those and any reasons they were assessed as unsuitable.

**Ms Palmer:** Ninety-three per cent of applicants from round 1 and round 3, and 92 per cent of applicants in round 2, were assessed as eligible and offered a grant agreement. In general, the eligibility is associated with being an Australian business, having an eligible product and complying with the requirements in the lodgement of applications. For the seven or eight per cent who generally are not eligible are usually not considered an Australian business or exporting an appropriately eligible product.

**Senator CADELL:** I am having trouble—not a good school student—with the difference between eligible and offeree. Not everyone who is eligible gets an offer, do they?

**Ms Palmer:** Every applicant that is eligible—

**Senator CADELL:** They get to cut up the pie?

**Ms Palmer:** That is correct. It is very different to other grant programs; it is not competitive, and we do not do first-in, first-served.

**Senator CADELL:** Can you describe the process for appointing consuls-general?

**Mr Simonet:** We have 65 senior trade and investment commissioners and trade and investment commissioners around the world. Out of the 65, nine are also consuls-general of Australia. The decision to appoint those nine consuls-general is for the minister to make, not for the department. It is up to the minister to make a determination and a decision for those nine consuls-general. Twelve to 18 months prior to a consul-general role being vacated, Austrade commences the process to fill the role by notifying the trade and tourism minister of the requirement to fill the role. At any point after Austrade notifies the trade and tourism minister of the need to fill a consul-general role, the minister has the option of making a direct appointment to fill the role. In parallel to the minister considering potential direct appointments, Austrade conducts an open recruitment process. If the minister has not made a direct appointment when the open recruitment process is finalised, Austrade provides the minister with the option to appoint the preferred candidate from the open recruitment process or proceed with the direct appointment of another person. So, basically, we give advice to the minister and offer various options to the minister. It's up to the minister for those nine roles to make a determination and a decision on the appointment.

**Senator CADELL:** For San Francisco, how many applicants were there in the open recruitment process?

**Mr Wyers:** I don't have that number with me.

**Senator CADELL:** Could you get that for us on notice?

**Mr Wyers:** Yes.

**Senator CADELL:** After going through the process that Mr Simonet spoke of, did you come up with a preferred candidate to put in front of the Minister for Trade and Tourism?

**Mr Wyers:** Yes, we did.

**Senator CADELL:** Who was that candidate?

**Mr Wyers:** The candidate was Kirstyn Thomson.

**Senator CADELL:** And when was that recommendation made?

**Mr Wyers:** It was 20 December 2022.

**Senator CADELL:** Now, that candidate wasn't subsequently appointed. Mr Simonet, you said the open process went to the minister. Minister Farrell, you chose to make a ministerial appointment at that stage. What date did you choose to do that?

**Mr Simonet:** At any point in time during this process the minister can appoint anybody.

**Senator CADELL:** I understood that from the process. What date did we choose to do that?

**Ms Woodburn:** Would you like me to help you with this one?

**Mr Wyers:** Yes.

**Ms Woodburn:** As Mr Wyers said, a ministerial brief with the Austrade preferred nominee was submitted to the minister on 20 December. On 27 January 2023, that ministerial submission indicating that the minister would like to make an appointment under section 39 of the Public Service Act, which is the power that people have been talking about, was returned to us. On 1 March 2023, we were advised that the candidate that the minister was looking to put forward for that particular role was Mr Ketter.

**Senator CADELL:** Had Mr Ketter previously applied for that role?

**Ms Woodburn:** Not to my knowledge, no.

**Senator CADELL:** What was his experience in trade and development?

**Senator Farrell:** I can perhaps answer that, Senator Cadell. Mr Ketter has had a quite distinguished career in industry and in the Public Service. He had experience as an advocate and a negotiator. He had experience in government as a member of the Senate, and for the last five years, he's been working for the defence minister in the areas of defence and critical technologies.

**Senator CADELL:** How much will he be paid in this role?

**Mr Wyers:** The package was advertised for all applicants, as part of the open recruitment process. It consisted of a base salary of \$170,663, plus superannuation. There was also a posting allowance that comes with anyone posted overseas—A-based employees. In this case it was quoted at \$79,000.

**Senator CADELL:** Does it include other allowances for accommodation? Did we provide accommodation or anything else, or is that on him?

**Ms Woodburn:** Yes.

**Mr Wyers:** We provided accommodation and additional things—so, there's accommodation, utilities, school fees if they apply, and reunion fare to support employees and their families embarking on an overseas appointment. There's a package that goes with it that we pay for or are providing alone.

**Ms Woodburn:** Mr Ketter's package is consistent with the packages. There's no difference there.

**Senator CADELL:** Minister Farrell, why do you think he was the right man for the job?

**Senator Farrell:** I think for the reasons I've just mentioned. The West Coast of the United States is an important part of our trade diversification policy.

**Senator CADELL:** It won't be part of the EMDG diversification?

**Senator Farrell:** Well, we'll see. You're jumping ahead of yourself there a little bit; we don't know. I took the view that the combination of skills was the best combination for that particular role, and I stand by the decision. I think he will be an impressive candidate in that job.

**CHAIR:** Hear, hear!

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

**CHAIR:** Thank you very much to Austrade for appearing tonight.

### **Tourism Australia**

[22:07]

**CHAIR:** Welcome, officers of Tourism Australia. Do you have an opening statement?

**Ms Harrison:** I have a very short one. I'm happy to table it in the interests of time.

**CHAIR:** No, it's alright. Read it out. Give it a red-hot go.

**Ms Harrison:** See, I tried to wriggle out of it!

**CHAIR:** We've come this far, so we might as well go all the way!

**Ms Harrison:** Okay, sure. Thank you for giving me the opportunity to address the committee. We have a short update on our work since we met last, in June, and we'd also like to share some of our latest arrival numbers. We're very pleased to see that our global campaign Come and Say G'day is proving to be successful across key international markets. It's been active for just over a year now and it's already having a positive impact, with consideration for an Australian holiday increasing and our share of flight search across the world up by 10 per cent globally compared to 2019. Additionally, the overall recovery of the inbound travel market to Australia continues. The latest international arrival numbers show that we were back to 76.5 per cent in August compared to the same month in 2019. Importantly, for four consecutive months the number of people arriving for a holiday has been greater than the number of people visiting friends and relatives. This is very good news for the tourism industry. There is no doubt there are going to be some bumps in the road to recovery, but with aviation capacity expected to return to 99 per cent of 2019 levels in February next year, we remain optimistic that recovery will continue to track in the right direction.

The return of China since the start of the year is providing a further boost. Chinese travellers have been returning in growing numbers, with the market now our second largest in terms of visitation in both July and August, and we do anticipate that it will take its No. 1 spot again very soon. Tourism Australia has remained active in China, and in June we launched our Come and Say G'day campaign in Chengdu. Our brand ambassador, Ruby the kangaroo, has been well received there, with the short film being viewed 67 million times across the country.

**CHAIR:** How many? 67 million?

**Ms Harrison:** It's a big country.

*Senator Cadell interjecting—*

**CHAIR:** Not my TikTok, that's for sure; maybe Senator Green's. Senator Green, you have the call.

**Senator GREEN:** I don't have TikTok, but thank you very much, Chair. I just wanted to ask straight off the bat about the Come and Say G'day campaign. You've given us some figures there about how it's going. How is it going down with different audiences? You mentioned the Chinese market there. And what other activities have you looped into the campaign banner?



**Ms Harrison:** We monitor how it's going in all the 15 markets that we operate in. In fact, we have just done some additional creative testing. We did some testing before it launched, so we knew that it was going to resonate in all of those markets. We've just done another tranche, and we've seen that the campaign hasn't had any wear-out. In fact, it's performing really well. System1, who did the research for us, are saying that it's performing in the top one per cent of ads that people are seeing, and that's across the board. The campaign was developed to have flexibility, and we dial up different elements of it depending on the market. So we're really happy with how it's going across the board.

In terms of how we then amplify that, we have a range of partnerships that we have rolled out on the back of that to convert the demand that we create. We have around 190 partnerships that are rolling out in all of our different markets. We also back that up with quite a significant training program to make sure that the people who are selling Australia, because we are quite a diverse and complex destination, are ready to be able to convert that demand when the inquiry comes through our Aussie Specialist Program. We also have a huge media program that we work very closely with our state partners on, in terms of bringing media and trade partners to Australia to experience it for themselves. So it's quite an ecosystem that we have there to make sure that, wherever people look, we are present and converting business.

**Senator GREEN:** I got to meet Ruby recently in Cairns, so I thought I would ask you about the G'day Australia conference that just took place for the first time, I understand, since 2019. Why Cairns? How did it go?

**Ms Harrison:** We always work in conjunction with a state partner on the G'day Australia program. It's a very important part of our Aussie Specialist Program. It's where we bring 300 of those frontliners to Australia. They have four days in a destination. We chose Cairns, so we worked with Tourism and Events Queensland and Tourism Tropical North Queensland. They conferenced for four days and met a lot of the Australian industry, and then we divided them into 30 groups and sent them all around Australia so that they would get quite a diverse experience of Australia. It's been an incredibly successful program. It was oversubscribed. We had about 1,700 frontline agents apply. We can only choose 300, but we'll run it again next year, so perhaps they can come apply again.

**Senator GREEN:** In Cairns again? That might be a bit cheeky to ask.

**Ms Harrison:** We do move it around the country, I'm sorry to say.

**Senator GREEN:** That's okay. It was 300 specialists that came to Cairns and stayed for around four days, wasn't it?

**Ms Harrison:** That's right.

**Senator GREEN:** I heard that a lot of them got an opportunity to head out to experiences. Can you just explain why that's so important? They come all the way here, and we don't want to just put them in a conference centre for the whole time that they're here. What experiences did they have? How did it go? Why was that important to the program?

**Ms Harrison:** It's incredibly important because these are the people who are selling the Australian dream, if you like. So I think it's really important that we show, not tell. And we know that those people, when they come here, experience Australia and fall in love with it, and they're more likely—in fact, we can quantify it. They sell 30 per cent more of Australia than they did before they came. The other thing that we do is target people who haven't been to Australia before. At this particular conference, 48 per cent of the attendees hadn't actually been to Australia before, even though one of them had been selling in Australia since 1995. They've never visited. So it's really important. It's important that they understand the depth and diversity of our offerings so that they know it's not just the icons. There is so much to see and do across Australia.

**Senator GREEN:** I understand a lot of them went out to the Great Barrier Reef, so that was fantastic.

**Ms Harrison:** They did, speaking of our icons!

**Senator GREEN:** It was the first time for a lot of them, which was fantastic. Can I ask—in terms of business events more generally, you've got a dreamtime business event coming up. What is that event, and where does that fit into the schedule?

**Ms Harrison:** We run Dreamtime every two years. It is a program that specifically targets incentive buyers who come to Australia. We invite a hundred incentive buyers to come down to Australia. The beautiful thing about business events is that we can quantify that, so we have a very firm idea of what sorts of leads the buyers there have for Australia. We can record that and also have a look at how we convert that business. Historically, that's been quite a high conversion rate. When people commit to come to the destination, they do then look to send business there afterwards.

**Senator GREEN:** And the event is in—

**Ms Harrison:** It's in Adelaide.

**Senator GREEN:** Okay. This is my last question on business events. I know G'day Australia hadn't been held since 2019. This was the first time in a long time that that event was able to be held, obviously because of COVID. Where are you at in terms of your events schedule? Are you back where you wanted to be pre-COVID, or is there still some demand there that you need to wait for until you can get the events back on track?

**Ms Harrison:** Not at all. In fact, our events are always over subscribed, so we are back to our full events schedule.

**Senator GREEN:** That's good news. This is my last question before I get cut off—or maybe I'll just keep going, because I've got lots of questions!

**CHAIR:** I won't cut you off!

**Senator GREEN:** You mentioned a campaign launching in China. I was really pleased to hear the news about Australia being added to the—what was it?

**Ms Harrison:** The ADS?

**Senator GREEN:** It's the ADS, which stands for 'approved destination status', I think.

**Ms Harrison:** Yes.

**Senator GREEN:** How is the launching of the campaign tying into that decision? I think there was a delegation that went over to China. How did that go?

**Ms Harrison:** They're sort of unrelated. We launched our campaign in June. The ADS is a program managed by Austrade, so if there's anything specific on that, I'm sure they can talk to that. It wasn't related, but it's certainly a positive, because I think now our key distribution partners feel there is a warm invitation to start marketing Australia again with a lot more enthusiasm. So it's great. I think, when we see the October numbers—which will be the first time there was a national holiday that coincided with the change in ADS—we'll see some really good numbers coming through.

**Senator GREEN:** That's fantastic news. I'm going to get cut off, but the last thing I'll ask is this. We had the FIFA Women's World Cup recently. Unfortunately, we didn't win the world cup, but we did win the hearts and minds of people around the world, and it was a really good chance to showcase Australia and its destinations and experiences. How did you tie into that event, and—tying my two loves together—are people who watch the Women's World Cup now booking trips to come and see the reef? I'm hopeful!

**Ms Harrison:** We took the moment. You're right—we did win the hearts and minds. And we knew that this was a golden opportunity in time when two billion eyes were on Australia—and New Zealand. We did a special iteration of the 'Come and Say G'day' campaign, which was around Ruby being a sports commentator and talking about Australian tourism experiences through a sports lens. But we also took the opportunity to bring our influences down to Australia to get them experiencing not just the stadiums but outside of the stadiums.

We've just had some great earned media stats coming through. We had an earned advertising value from all those people we brought down to Australia, and they weren't our usual suspects. They were people like Ian Wright who is an English footballer who now has a great blog called Wrighty's Diary. He went out and did all sorts of incredible things around Australia and got lots of coverage. We had a different mix of media coming down, and we earned \$81.7 million worth of advertising value from that. We had around 2,100 articles and lots of social media mentions. I'm going to be a bit competitive and tell you how Tourism New Zealand did at the same time. They earned around \$18 million in EAV and 700 media articles, so we had in the region of three times the media coverage and a four times the media value because we really did work hard on that aspect of the campaign. They were our partner in this, but they are also a competitor, so we are happy with that.

**CHAIR:** Senators Cadell.

**Senator CADELL:** It's great that tourism is taking off, but cost is a big thing. In your submission to the review of the migration system, you indicated Tourism Australia and Home Affairs work collaboratively in a variety of forums to ensure Australia's visa system remains competitive by regular engagement through the Tourism Visa Advisory Group and regular senior executive engagement between Tourism Australia with the Home Affairs deputy secretary. Through that engagement, what advice did Tourism Australia provide to Home Affairs on the decision to increase the cost of tourist visas?

**Ms Harrison:** Our team does engage regularly on these interdepartmental conversations. I am not part of those myself, but they do feed back how the tourism industry is going and the sentiment offshore. But that's as far as it goes. We are not responsible for the policy side of things.

**Senator CADELL:** I understand you are not responsible for policy, but that is a clear statement saying that you work collaboratively with Home Affairs on the tourism. Was any advice asked for or given by you regarding the cost of tourist visas?

**Mr Fennell:** I might step in. We do not provide advice on whether it should be increased or decreased. It is a broader discussion. We provide feedback from industry, but we do not provide specific advice on the front.

**Senator CADELL:** Did you provide the feedback from industry that they did not want the increase?

**Mr Fennell:** I can't specifically speak to that, but we normally steer clear from giving an opinion on increasing or decreasing charges.

**Senator CADELL:** You have regular engagement and regular senior executive engagement on this specific issue. We know the industry is against it, so did you say anything?

**Mr Fennell:** We discuss it with them because we have teams around the world, so we provide feedback on the process so that they understand where things are at in Australia, and we provide information from the department to our teams.

**Senator CADELL:** Were you forewarned prior to the budget that it was going to go up?

**Mr Fennell:** Not that I am aware of, no.

**Senator CADELL:** We're trying to get this number up, so every dollar matters, so is the competition in the industry for visas. Ms Harrison, you said in estimates:

Working holiday-makers are really important for us as a target audience ... they are high-yielding travellers. ... they travel into our regions ... and work in the tourism industry ...

The review of the migration system was released and recommends the working holiday visa should be limited to one year and focus on cultural exchange rather than work. Were you involved in that? We're talking about the way people see the industry and why they come here along those lines you are talking about.

**Senator Farrell:** If your government had not left the trillion dollars worth of debt—

**Senator CADELL:** But we did because we had COVID. Minister, I asked Ms Harrison this question.

**Senator Farrell:** You just don't want the truth. That's all it is, the truth. You can't handle the truth.

**Ms Harrison:** The good news is that working holiday-makers are coming back, and they are coming back in volumes.

**Senator Farrell:** With a vengeance.

**Ms Harrison:** Yes, they are coming back. I was speaking to a board member from Perth yesterday, and she was saying that they have noticed that the backpackers are back and are filling the service roles that people need to be filled. They're also travelling around the state, so I think we're in a good spot with working holiday-makers. They remain a very important market of ours, and we will continue to focus on them.

**Senator CADELL:** Doesn't the review says that we should be focused on cultural exchange rather than work?

**Ms Harrison:** I am not familiar with that particular point.

**Senator CADELL:** Is it a concern that we should be focusing on that rather than working visas, given your support for the working visa?

**Ms Harrison:** I am not aware of these changes, so I can't comment on them.

**Senator CADELL:** Are you aware that American Airlines have closed down their marketing and sales in Australia?

**Ms Harrison:** No, I wasn't, but I do know that they work very closely with Qantas.

**Senator CADELL:** As does Emirates. Isn't that against competition when we have probably the three biggest carriers out of Australia all working together on codesharing?

**Ms Harrison:** I'm not going to comment on commercial airlines' decisions on where they place their staff.

**Senator CADELL:** This is such an important thing. We're at 70 per cent four months in a row for the first time. We've had holiday-makers there. We have an increasing cost of the tourist visa, the working holiday visa and the passenger movement charge. We have decreased competition in our flights. What are we doing to encourage tourism other than promoting something people can't afford?

**Ms Harrison:** I would disagree with the assertion that they can't afford it. Inflation is absolutely a crucial factor, but it is a global thing. Holidays everywhere, globally, are under that sort of inflationary pressure at the moment. What I can tell you is that our research is telling us that demand for Australia is still there. We focus on high-value, high yielding travellers. They're still coming to Australia. I'm not discounting cost as a factor, but we know that, when they come to Australia, they see us as high value for money, and they see us as even higher value for money once they leave. So we focus on that. We've never been a cheap and cheerful destination. We've always been a destination that involves significant time and cost to come here. That hasn't changed post COVID, but we're seeing that people are still arriving. I'm not unconcerned about it, but I'm optimistic that we will still continue to see our tourism market grow.

**Senator Farrell:** Senator Cadell, I know you won't want to hear this, but one of the reasons that the federal budget is in such good shape and produced a \$20 billion surplus for the first time in 15 years is the really good work that Pip and her team have been doing in the tourism space, and we're going to do some more.

**Senator CADELL:** I'm pretty sure that the miners in Western Australia, New South Wales and Queensland have contributed a little bit more than tourism.

**Senator Farrell:** Yes, trade is another part of my point.

**Senator CADELL:** A much bigger one.

**Senator Farrell:** But please don't underestimate the contribution of tourism.

**Senator CADELL:** Where we're going on this is that single biggest element of elasticity of demand is the price of flights to Australia. Those prices are high. We have the withdrawal of the marketing arm of an airline because they are codesharing so much. Even with the ACCC, because they codeshare, they can sit down and determine price together—Qantas and Emirates to Europe, and Qantas and American to Australia. What are we doing to make it easy? I can get a return ticket to Manila and then get a business class flight to Europe for \$3,000 to \$4,000 return. I can't do that from Australia. Something is going wrong for our tourism if we can't do that.

**CHAIR:** Do you have a question to the agency?

**Senator CADELL:** Yes: what are we doing to promote competition on the single biggest determinant of visiting?

**Ms Harrison:** As the marketing arm, Tourism Australia, what I can do with that is create demand for Australian travel experiences and make sure that people want to come here. We've never been a low-cost destination, and people have still come here. That's why we focus on high-yielding travellers who have the means, the time and the desire to come here. There are four top reasons why people come to Australia, and cost is not one of them. It's our food and wine, our experiences, and our safety and security as a destination. I'm not discounting cost. It is a factor, but those other things are important as well.

**Senator CADELL:** Very quickly, did Tourism Australia receive a new statement of expectations or charter letter after the government came to power in May 2022?

**Ms Harrison:** Not that I'm aware of, no.

**Senator CADELL:** No new charter letter? Were there any changes from that time to now to the statement of expectations or charter letter that existed under the previous government?

**Ms Harrison:** The only change that we had over the last couple of years was to re-enter the domestic market when the borders were closed and travel wasn't possible. As the border reopened, we were instructed to exit the domestic market.

**Senator CADELL:** That is all. Thank you, Chair.

**CHAIR:** Thank you very much. That concludes today's proceedings. It's requested that senators submit written questions on notice by 2 November this year to allow sufficient time for answers. The committee has set 15 December this year as the date for the return of answers to questions taken on notice. I want to thank Ministers Wong and Farrell for their attendance today. I thank officers of the Department of Foreign Affairs and Trade and all our witnesses who have given evidence to the committee. Thank you also to Hansard, Broadcasting and, of course, the secretariat.

**Committee adjourned at 22:30**