



Submission No 34

Inquiry into Australia's aid program in the Pacific

Organisation: Attorney-General's Department

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Australian Government
Attorney-General's Department

**International
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Senator Marise Payne
Chair
Human Rights Sub-Committee
Joint Standing Committee on Foreign Affairs, Defence and Trade
Parliament House
CANBERRA ACT 2600

Dear Senator

**Joint Standing committee on Foreign Affairs, Defence and Trade - Human Rights
Sub-Committee's Inquiry into Australia's Aid Program and its Impact on Human Rights and
Security in the Pacific - Answers to Questions on Notice from 9 February 2007 hearing**

Please find attached answers to three questions taken on notice by the Attorney-General's Department at the Sub-Committee's public hearing on 9 February 2007.

I trust this information will be of assistance to the Sub-Committee.

The action officer for this matter is Victoria Bickford who can be contacted on (02) 6250 6540.

Yours sincerely

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JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE
HUMAN RIGHTS SUB-COMMITTEE
INQUIRY INTO AUSTRALIA'S AID PROGRAM IN THE PACIFIC
ATTORNEY-GENERAL'S DEPARTMENT

Senator Payne asked the following question at the hearing on 9 February 2007:

To what extent does the Department and its portfolio agencies seek to engage with civil society in the development and implementation of aid initiatives?

The answer to Senator Payne's question is as follows:

The Department and its portfolio agencies actively involve civil society in the development and implementation of a number of aid initiatives in the Pacific region.

Attorney-General's Department

Anti-Money Laundering Assistance Team

The Anti-Money Laundering Assistance Team works with Pacific island countries to develop systems to combat money laundering and terrorist financing. This involves working with the financial sectors in Pacific island countries to raise awareness about anti-money laundering obligations, through meetings and workshops.

Library Twinning Program

In April 2007, Lionel Murphy Library staff will travel to Tonga and Samoa as part of the Library's *Legal Information Management and Research Activity* to provide legal research training focussing on basic computer, internet and electronic and hard copy research skills.

Preparations for the training program have involved extensive consultation with the Tongan and Samoan Law Societies, and training will be made available for practitioners from across the private sector.

The Department is also currently liaising with the Law Faculty of the University of Samoa, with a view to including the University within the Library Twinning Program.

Australian Customs

Aspects of civil society play an important role in customs administration. One of the more significant aims of Australian Custom's aid initiatives in the Pacific region is to help strengthen relationships between counterpart customs agencies and civil society.

In relation to Customs' aid initiatives, program development routinely involves scoping missions aimed at assessing base level engagement between counterpart customs agencies and civil society, and identifying means through which such consultation might be improved.

The Customs Modernisation Program under the Regional Assistance Mission to the Solomon Islands Customs was preceded by a comprehensive scoping mission, involving consultation with both private industry and the community sector.

Similarly, Custom's involvement in Tonga commenced with a scoping mission that involved significant degrees of consultation with industry stakeholders, including commercial and private importers. Further consultation with the Tongan Chamber of Commerce provided a model for improved private sector engagement that was then utilised in the implementation of the program.

Moreover, the implementation of Customs led aid initiatives involves a significant degree of civil society engagement. For example, in Tonga, Custom's officials have provided training across the private sector, and have been instrumental in the formation of linkages such as the Illicit Trade Committee, which brings together stakeholders from both the public and private sectors.

The aid program also involved the development of an outreach program – an essential component of Customs interagency and community work relations. Private sector stakeholders have also been consulted as part of a program review undertaken in late 2006.

In the same way, the program of Customs Modernisation and Reform in Papua New Guinea also involves a significant degree of engagement with civil society. The program aims, in part, to develop closer contact between PNG Customs and the private sector and to encourage the establishment of peak industry bodies to improve communication flows between stakeholders. Over the course of the program, Australian Customs officials have helped to facilitate a National Customs Port Manager's Conference, a Time Release Study workshop, and the Customs National Industry Consultation Forum.

Federal Court of Australia

The Federal Court of Australia consults extensively with civil society as part of the development and implementation of its programs. For example, the diagnostic work performed by representatives from the Federal Court in the superior courts of both Tonga and Fiji involved consultation with a wide variety of stakeholders across both the public and private sectors. The Law Societies in both jurisdictions were heavily involved in the diagnostic project, as were a number of non-government organisations from across the community sector.

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Senator Moore asked the following question at the hearing on 9 February 2007:

Has the Attorney-General's Department noticed a reduction in the number of Pacific Islanders choosing to gain their formal legal training in Australian tertiary institutions?

The answer to Senator Moore's question is as follows:

The International Legal Services Advisory Council (ILSAC) was established by the Australian Government in June 1990 to report to the Attorney-General on matters relevant to Australia's international performance in legal and related services. The ILSAC Secretariat is located in the Attorney-General's Department.

The ILSAC Secretariat analyses international overseas student statistics which are collected by Australian Education International, part of the Department of Education, Science and Training. These include statistics on Pacific students seeking to gain their legal training in Australia. The following table provides an indication of the number of Pacific students enrolled in legally oriented programs in Australian tertiary education institutions over the last five years.

Law legal studies - Pacific students by nationality 2002 to 2006

Commencements	Nationality	2002	2003	2004	2005	2006
	Fiji	8	6	7	6	9
	New Caledonia	1	0	0	0	1
	Papua New Guinea	4	3	5	7	7
	Solomon Islands	1	1	0	1	0
	Tonga	3	0	0	0	0
	Tuvalu	0	0	0	2	1
	Vanuatu	0	0	2	0	0
Total Pacific		17	10	14	16	18
Grand total law/legal studies		886	915	879	863	960
Enrolments						
	Fiji	25	20	16	18	19
	New Caledonia	1	0	0	0	1
	Papua New Guinea	16	15	14	15	11
	Solomon Islands	2	3	3	3	2
	Tonga	5	2	0	0	0
	Tuvalu	0	0	0	2	2
	Vanuatu	0	0	2	1	0
Total Pacific		49	40	35	39	35
Grand total law/legal studies		1,608	1,899	1,994	2,095	2,191

Please note that the above information only covers courses with a duration of three months or more. It also does not cover students studying in Australia on AusAID scholarships.

These statistics demonstrate that between 2002 and 2006, the number of Pacific students commencing legal studies each year has been steady. However the number enrolled in Australian law schools (which includes students commencing in that year and continuing students) has fluctuated between 49 and 35 over the five year period (2002 to 2006).

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Mr Sercombe asked the following question at the hearing on 9 February 2007:

Has the Department considered the possibility of helping to establish some form of Regional Human Rights body/institution?

The answer to Mr Sercombe's question is as follows:

Although the Department has not to date considered assisting with the establishment of a regional human rights body, building national and regional capacity to implement international human rights standards is a key element of the Australian Government's approach to human rights in the Pacific.

Australia is working closely to promote this important outcome with regional organisations, including the Pacific Islands Forum and the Asia-Pacific Forum of National Human Rights Institutions.

Pacific Islands Forum

The Pacific Islands Forum's *Pacific Plan for Strengthening Regional Cooperation and Integration* outlines a number of initiatives that aim to pool regional resources to promote human rights and good governance. For example, the Plan promotes the development and operation of a regional support mechanism to encourage Forum members to ratify and implement international human rights instruments.

Australia is supporting a regional approach to strengthening ombudsman offices for implementing the Forum's Principles of Good Leadership and Accountability.

Australia is also engaging with the Forum Secretariat in relation to its project aimed at exploring national human rights institutions suitable for small island states. This project recognises that small island states may wish to draw upon lessons learned from within the region on the benefits of establishing national human rights institutions.

Asia Pacific Forum of National Human Rights Institutions

The Australian Government continues to promote and fund the valuable work of the Asia Pacific Forum (APF) in supporting, through regional cooperation, the establishment and development of national human rights institutions.

The APF provides national human rights institutions with a sustained opportunity to learn collectively from each other's experience, and contribute to the regional protection and promotion of human rights.

The Australian Government also supports and provides funding to ensure a UN human rights presence in this region. The Pacific Regional Office of the High Commissioner for Human Rights, based in Suva, provides expert support and technical assistance to countries in the region. Among other objectives, this Office aims to encourage small island states to ratify and implement core international human rights standards.

The need for any additional regional human rights institution or structure has not been articulated by states within the region. Australia would not wish to promote this in the absence of a shared view that it is necessary and would make a practical difference to human rights outcomes in the Pacific.