



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION
COMMITTEE

ESTIMATES

(Budget Estimates)

MONDAY, 1 JUNE 2009

CANBERRA

BY AUTHORITY OF THE SENATE

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SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE**LEGISLATION COMMITTEE****Monday, 1 June 2009**

Members: Senator Mark Bishop (*Chair*), Senator Trood (*Deputy Chair*), Senators Farrell, Forshaw, Kroger and Ludlam

Participating members: Senators Abetz, Adams, Back, Barnett, Bernardi, Bilyk, Birmingham, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Jacinta Collins, Coonan, Cormann, Crossin, Eggleston, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Lundy, Ian Macdonald, McEwen, McGauran, McLucas, Marshall, Mason, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Sterle, Troeth, Williams, Wortley and Xenophon

Senators in attendance: Senators Barnett, Mark Bishop, Farrell, Ferguson, Fierravanti-Wells, Forshaw, Heffernan, Hutchins, Johnston, Joyce, Kroger, Ludlam, McEwen, Payne and Trood

Committee met at 9.03 am

FOREIGN AFFAIRS AND TRADE PORTFOLIO**In Attendance**

Senator John Faulkner, Special Minister of State

Senator Arbib, Parliamentary Secretary for Government Services Delivery.

Department of Foreign Affairs and Trade**Portfolio overview**

Mr David Ritchie, Deputy Secretary

Mr Bruce Gosper, Deputy Secretary

Mr James Wise, First Assistant Secretary, Corporate Management Division

Ms Ann Thorpe, Chief Finance Officer, Corporate Management Division

Mr Bruce Miller, Assistant Secretary, Executive, Planning and Evaluation Branch

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

Program 1.1: Other departmental**North Asia**

[China, Japan, Democratic People's Republic of Korea, Mongolia, Republic of Korea, Taiwan.]

Mr Graham Fletcher, First Assistant Secretary, North Asia Division

South-East Asia

[Brunei, Burma, Cambodia, East Timor, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, Vietnam and ASEAN.]

Mr Peter Woolcott, First Assistant Secretary, South-East Asia Division

Americas**[Canada, USA, the Caribbean, South America (Latin America).]**

Mr Bill Tweddell, First Assistant Secretary, Americas Division

Europe**[Western, Eastern and Southern Europe, including Turkey and organisations such as European Union and NATO.]**

Mr Richard Maude, First Assistant Secretary, Europe Division

South and West Asia, Middle East and Africa**[South and West Asia: India, Afghanistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Maldives. Middle East: Gulf States, Israel, Palestinian Territories, Iraq, Iran. African countries: South Africa, Sudan, Zimbabwe and all other African countries.]**

Ms Deborah Stokes, First Assistant Secretary, South and West Asia, Middle East and Africa Division

Pacific**[New Zealand, Fiji, Solomon Islands, Papua New Guinea, Tonga, Nauru, Samoa, Kiribati, Vanuatu; Pacific Islands Forum.]**

Mr Richard Rowe, First Assistant Secretary, Pacific Division

Mr Ravi Kewalram, Assistant Secretary, Pacific Regional and New Zealand Branch

International organisations and legal issues**[International law, sea law, environment law, climate change, treaties, sanctions, transnational crime, domestic and administrative law, United Nations, Commonwealth, human rights, indigenous issues, people smuggling, refugees.]**

Mr Michael Potts, First Assistant Secretary and Ambassador for People Smuggling Issues, International Organisations and Legal Division

Ms Penny Richards, Senior Legal Adviser, International Organisations and Legal Division

Mr Bassim Blazey, Head, UN Security Council Task Force

National security, nuclear disarmament and non-proliferation.**[Arms control, counter-proliferation, counter-terrorism, regional and national security.]**

Ms Jennifer Rawson, First Assistant Secretary, International Security Division

Mr John Carlson, Director-General, Australian Safeguards and Non-Proliferation Office

Mr Bill Paterson, Ambassador for Counter-Terrorism

Services to other agencies**[Services to Parliament, attached agencies, business, state governments and other agencies overseas and in Australia.]**

Mr Greg Moriarty, First Assistant Secretary, Consular, Public Diplomacy and Parliamentary Affairs Division

Services to diplomatic/consular representatives**[Protocol, privileges and immunities, protection.]**

Ms Anne Moores, Chief of Protocol, Protocol Branch

Bilateral, regional and multilateral trade negotiations**[Free trade agreements, agriculture, services and intellectual property, WTO, trade law, trade policy, trade commitments.]**

Mr Dominic Trindade, Acting First Assistant Secretary, Office of Trade Negotiations

Mr James Baxter, Assistant Secretary, WTO Trade Law Branch

Ms Jan Adams, Head, China, Japan and Korea FTA Task Forces

Mr Michael Mugliston, Head, Asia Trade Task Force

Trade development/policy coordination and Asia–Pacific Economic Cooperation [APEC, international economy and finance, market information, trade advocacy, trade finance, liaison and analysis, OECD, UNCTAD.]

Mr Paul Tighe, First Assistant Secretary, Trade and Economic Policy Division

Program 1.2: Payment to international organisations (administered)

Mr Michael Potts, First Assistant Secretary and Ambassador for People Smuggling Issues, International Organisations and Legal Division

Program 1.3: Public information services and public diplomacy (administered)

Expositions Special Account—Shanghai Expo

Mr Peter Tesch, Executive Director, Shanghai World Expo 2010

Australia Network

Mr Greg Moriarty, First Assistant Secretary, Consular, Public Diplomacy and Parliamentary Affairs Division

International Relations Grants Program

Ms Ann Thorpe, Chief Finance Officer, Corporate Management Division

Program 1.4: Other administered items—DFAT

Payments to Commonwealth Authorities and Companies Act, including EFIC

Mr Paul Tighe, First Assistant Secretary, Trade and Economic Policy Division

Hosting 35th Antarctic Treaty Consultative Meeting

Mr Michael Potts, First Assistant Secretary and Ambassador for People Smuggling Issues, International Organisations and Legal Division

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

Program 2.1 and 2.3: Consular services

Mr Greg Moriarty, First Assistant Secretary, Consular, Public Diplomacy and Parliamentary Affairs Division

Program 2.2 and 2.4: Passport services

Mr Bob Nash, Executive Director, Australian Passport Office

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

Program 3.1: Other departmental

Overseas physical security

Overseas IT support

Mr Peter Rowe, First Assistant Secretary, Diplomatic Security, Information Management and Services Division

Program 3.2: Overseas property.

Mr Peter Davin, Executive Director, Overseas Property Office

Australian Centre for International Agricultural Research (ACIAR)**Outcome 1: Agriculture in developing countries and Australia is more productive and sustainable as a result of better technologies, practices, policies and systems.****Program 1: International agricultural research and development.**

Mr Peter Core, Chief Executive Officer.

Australian Agency for International Development (AusAID)**Outcome 1: To assist developing countries to reduce poverty and achieve sustainable development, in line with Australia's national interest.****Program 1.1: Official development assistance—PNG and Pacific****Program 1.2: Official development assistance—East Asia****Program 1.3: Official development assistance—Africa, South and Central Asia, Middle East and other****Program 1.4: Official development assistance—Emergency, humanitarian and refugee programs****Program 1.5: Official development assistance—Multilateral replenishments****Program 1.6: Official development assistance—UN, Commonwealth and other international organisations****Program 1.7: Official development assistance—NGO, volunteer and community programs.****Outcome 2: Australia's national interest advanced by implementing a partnership between Australia and Indonesia for reconstruction and development.****Program 2.1: East Asia.**

Mr Bruce Davis, Director General, AusAID

Ms Annmaree O'Keeffe, Senior Associate

Mr Jamie Clout, Deputy Director General, Corporate Enabling Division

Mr Richard Moore, Deputy Director General, Asia Division

Mr Scott Dawson, Deputy Director General, Pacific and Papua New Guinea Division

Mr Murray Proctor, Deputy Director General, Program Enabling Division

Mr Chris Tinning, Acting Deputy Director General, Global Programs Division

Mr Jamie Isbister, Assistant Director General, Africa, Humanitarian and Peace Building Branch

Mr Alistair Sherwin, Assistant Director General, Middle East and West Asia Branch

Mr Rob Tranter, Assistant Director General, Pacific Branch

Ms Margaret Callan, Assistant Director General, Papua New Guinea Branch

Ms Octavia Borthwick, Assistant Director General, Asia Regional Branch

Mr James Gilling, Assistant Director General, Indonesia and East Timor Branch

Mr Peter Versegi, Assistant Director General, Governance and Service Delivery Branch

Mr Robin Davies, Assistant Director General, Sustainable Development Group

Mr Laurie Dunn, Assistant Director General, Operations Policy and Support Branch

Ms Jacqui De Lacy, Assistant Director General and GFC Coordinator, Sustainable Development Group

Ms Lisa Rauter, Chief Finance Officer, Finance, Property and Security Branch

Australian Trade Commission (Austrade)**Outcome 1: Advance Australia's trade and investment interests through information, advice and services to businesses, industry and governments.****Program 1.1: Trade and investment development****Program 1.2: Trade development schemes (Export Market Development Grants)****Outcome 2: The protection and welfare of Australians abroad through timely and responsive consular and passport services in specific locations overseas.****Program 2.1: Consular, passport services.**

Ms Hazel Bennett, Executive Director, Finance, Information and Planning

Mr Ian Chesterfield, General Manager, Business Policy and Programs

Ms Pat Evans, Executive Director, Export and Investment Services

Ms Elizabeth Gamin, National Operations Manager, Grants

Mr Peter Gunning, Chief Finance Officer

Mr Tim Harcourt, Chief Economist

Ms Marcia Kimball, Executive Director, Human Resources

Mr Mike Moignard, General Manager, Government and Communications

Ms Helen Monro, General Manager, Government, International and Policy Group

Mr Michael Vickers, Manager, Policy and Scheme Development EMDG

CHAIR (Senator Mark Bishop)—Good morning, ladies and gentlemen. 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 2009-10 and related documents for the foreign affairs and trade portfolio. I welcome Senator Faulkner, representing the Minister for Foreign Affairs and the Minister for Trade. I also welcome Mr David Ritchie, deputy secretary, and officers of the department.

The committee must report to the Senate on 23 June 2009. The date by which answers to questions on notice are to be returned has been set as 30 July 2009. Senators should provide their written questions on notice to the secretariat by close of business, Thursday, 11 June. Under standing order 26, the committee must take all evidence in public session. This includes answers to questions on notice. Officers and senators are familiar with the rules of the Senate governing estimates hearings. If you need assistance, the secretariat has copies of the rules. I particularly 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 arranged and which I now incorporate into Hansard.

The document read as follows—

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).

CHAIR—Today, the committee will examine the budget estimates for the Department of Foreign Affairs and Trade's non-trade programs. The trade program will be heard tomorrow evening. Minister, do you or an officer wish to make an opening statement?

Senator Faulkner—No, thank you, Chair. There are no opening statements.

CHAIR—Are there any questions for the portfolio overview?

Senator TROOD—I would like to begin by sorting out the department's accounts, if we could. I might just recall our discussion last time, Mr Ritchie, about the root and branch review of the department. I think I am right in saying that when that was proposed in the additional estimates you advised the committee that you anticipated the results of the department's root and branch review would be revealed in the budget of 2009-10. Is that correct?

Mr Ritchie—It is sort of correct. I think I said that the outcome of the root and branch review would be taken into account by the government in determining the department's budget for 2009-10, and that occurred.

Senator TROOD—Could you advise the committee on how it is manifest in the department's accounts?

Mr Ritchie—It was not quantified. It was a measurement of the department's base budget against the outcomes that the government required of it. It concluded, I think it is fair to say, that the department's base budget required some addition. Some of that has been taken into account in the funding that we received in the 2009-10 budget. This provides for a modest increase in the department's budget against the background of a very tight budgetary situation, which we acknowledge, of course, very freely. We are in a situation where a number of other portfolios had to suffer serious cuts. I think the government has manifested that in the decisions that it has made about the department's budget, in which, as I say, there is a modest increase involved.

Senator TROOD—How do you quantify that modest increase?

Mr Ritchie—Just to give you a summary, the budget provides DFAT with \$331.1 million over four years in new departmental funding; that is, non-property funding. Property funding is extra. That works out at about \$80 million a year.

Senator TROOD—So it is \$80 million in 2009-10?

Mr Ritchie—Yes, it is about that. In addition, in property funding, we have received \$163.6 million over four years for three property projects. That involves the relocation of our embassies in Jakarta and Bangkok and a feasibility study and some planning for a secure, purpose-built embassy in Kabul.

We received an additional \$2.4 million over four years from 2009-10 in administered funding on behalf of the Commonwealth. That is mainly dues we pay to various international organisations and other things.

We received funding to continue some important existing activities. I mentioned, I think, at the last estimates that, for example, for initiatives like the United Nations Security Council campaign and the International Commission on Nuclear Non-proliferation and Disarmament we had received funding for 2008-09 but not for the out-years. That funding has now been continued for at least the next two years.

We also, for example, received funding to continue our contribution to counter-terrorism activities in accordance with the forward estimates, for continuing the Regional Assistance Mission to Solomon Islands—these are measures for which we required out-year funding—and for the operation of our Consulate General in Nauru.

Senator TROOD—So the \$331 million over four years is additional funding which—

Mr Ritchie—\$333.1 million, Senator.

Senator TROOD—I beg your pardon. The \$333.1 million in funding is not specifically allocated. Is that correct?

Mr Ritchie—No, some of it is notionally allocated. But, for example, the funding contained \$106 million to enhance our relations with some regional countries and we are now going through the process of allocating that in the department, and the same for overall strengthening of the department's diplomacy.

Senator TROOD—So of the further \$333.1 million, and more particularly the \$80 million for this year, how much is specifically allocated to activities? I am interested, Mr Ritchie, in how much you have got left over to apply to the department's already substantially stretched resources.

Ms Thorpe—If you look at page 18 of the Portfolio Budget Statement, you will see that the various measures for which we receive funding are set out by year. You can see there that for 2009-10, out of the \$69.9 million that we will receive, it clearly shows which bits are specifically linked to specific outcomes and those that are much broader. For example, as Mr Ritchie indicated, 'enhancing regional engagement' has been defined in terms of some regions, but there is some discretion there. There is another one to do with 'enhanced diplomacy resourcing'—we have some discretion there, but it is still focused on enhancing resourcing. On the other hand, if you look at some of the others there that have to do with Afghanistan et cetera, you will see that they are very much more specific. So that should give you a feel for where we have some discretion and indicate which of them are very specific in terms of outcome.

Senator TROOD—Am I right in saying that something in the vicinity of \$70 million is already consumed by existing projects for 2009-10?

Mr Ritchie—No, that is not correct. Some of it is consumed and some of it is not. We are still allocating it.

Senator TROOD—You told me that there were \$80 million—

Mr Ritchie—It is actually about \$70 million in the first year.

Senator TROOD—So it is not \$80 million, it is \$70 million.

Mr Ritchie—\$70 million in the first year.

Senator TROOD—I am looking, Ms Thorpe, at page 20. A third of the way down, there is a figure of \$69,948,000. Is that right?

Ms Thorpe—That is right.

Senator TROOD—That is the figure Mr Ritchie is talking about?

Ms Thorpe—That is right.

Senator TROOD—So the \$70 million there is allocated for this first year of this increase. Is that right?

Ms Thorpe—Yes.

Senator TROOD—Most of that is related to specific activities—or at least some of it is. These include the United Nations Security Council bid, Asia-Pacific engagement, nuclear non-proliferation, disarmament et cetera—all of Mr Rudd's pet projects. Is that right?

Mr Ritchie—All those initiatives, Senator, yes.

Senator TROOD—Yes, all of Mr Rudd's pet projects. So is there anything left over that the department might apply to engaging with Europe, for example, or—

Mr Ritchie—Certainly. As Ms Thorpe said, if you look on, say, page 18, you will see a section entitled: 'Enhanced diplomacy—advancing national security and protecting Australians abroad resourcing.' That is additional money in a broad sense that we are now working on allocating. You will see further down that page a section entitled: 'Enhancing Australia's Regional Engagement.' That is also funding which, as announced in the budget, will be applied to additional resourcing for work in Latin America, Africa, India and Pakistan, but we are still allocating that. So they are examples of areas which are additional. Some others are tied to particular things—you will see funding in there for 2009-10 for hosting the Antarctic Treaty meeting or for issues like that.

Senator TROOD—Mr Ritchie, let me just take you to the 'Enhancing Australia's Regional Engagement' figure, which is \$13.3 million. Is that right?

Mr Ritchie—In the first year.

Senator TROOD—That is for Australia's diplomatic engagement with India, Pakistan, Africa and Latin America. Is that correct?

Mr Ritchie—That is right. It is for modestly increasing the resources that we apply in those regions.

Senator TROOD—What are you going to do with that money?

Mr Ritchie—As I said, it has only been a couple of weeks since the budget, and we, of course, never presume what we are going to receive until we see the budget outcome. We have some notional ideas about where we will put, for example, additional resources, but we are in the process of working that out in detail at the senior departmental level and we will also be informing the minister about that. It will, for instance, be for things like additional staff at some of our posts and some additional staff in those areas in Canberra, but we have not quite finished the exact breakdown.

Senator TROOD—Have you made an allocation between these four priority areas as yet?

Mr Ritchie—No, not yet.

Senator TROOD—So you have made no decision about how much of this money is going to India, Pakistan, Africa or Latin America?

Mr Ritchie—Not as such, no. Not yet. We are going through that process. We have some notional ideas about where we would like to restore or add positions or where we would like to add positions in Canberra or at post, but we are working through the fine print of that at the moment.

Senator TROOD—I see.

Senator FERGUSON—Did you seek these additional funds?

Mr Ritchie—Senator, we have been arguing quite strongly for some time—

Senator FERGUSON—If you were seeking additional funds, surely you must have had some idea of where you were going to spend them. You do not just say, ‘Well, I want more money.’

Mr Ritchie—As I said, we do have some notional idea about where we would like to spend the money, but we never presume the outcome of the budget until we see it. We have seen the outcome of the budget and we are now working through precisely where those positions will go. We definitely have some ideas—

Senator FERGUSON—So you actually go to the relevant authority and say, ‘We have this notional idea that we would like some extra funds’? Surely you must have a much more concrete plan than a notional idea?

Mr Ritchie—No, Senator. As you know, in the budget process we put forward bids which relate to the kinds of resources we would like to apply in certain areas. The government then decides in the light of the budget context and various other things where it would like to direct those resources and which are priority areas for it. We have now been given the figure that we have ended up with in the first year—it is \$106 million over four years for those areas. The bid we put in the budget, of course, had a certain specific basis to it. We are now working out what we can do with the funding that we now have.

Senator FERGUSON—It just seems strange to me that you make a request on the basis of a notional idea that you might want to put in place, you get the money and two weeks later you still have no idea what you want to do with it.

Mr Ritchie—Well, it is only two weeks, Senator. We have—

Senator FERGUSON—But you must have had concrete plans of some sort.

Mr Ritchie—We did. We drew up our bid, as every department does, on the basis of quite concrete ideas about where we would like to enhance our resources. We cost them on that basis, we look at the number of staff we think we would like to have, but, in the end, the amount of money we get is a decision for the government to make. We have been given that money, \$106 million over four years, and been told by the government that its priorities for that money lie in enhancing relationships with those countries. We are now going through the process of deciding just where in Latin America and in Africa we would like to put those resources and tailoring our bid to match the kind of money we get. That is a perfectly normal process.

Senator TROOD—Did you seek money specifically for these four priorities or did you say that you wanted money for regional engagement in Asia as well—in East Asia, for example?

Mr Ritchie—We do not want to go into the details of the budget process. That would be quite inappropriate. But of course we sought the resources across the full spectrum that we thought we would ideally like, always remaining conscious of the fact that in the end it would come down to a decision by the government, based on a whole range of factors including where the budget is, what money is available and its own priorities. As you see from the tables here, we have been given funding for enhancing our engagement with those particular regions because they are priorities for the government. As you will see further up, we have

also been given money over four years for enhanced diplomacy, which relates to strengthening our activities more broadly. So it is not the only area where we are getting additional staff. Most of this money will go to additional staffing resources.

Senator TROOD—In India, Pakistan, Africa and Latin America?

Mr Ritchie—In those places, but also, if you look at the measure ‘enhanced diplomacy’, it will also go to increasing staff resources.

Senator TROOD—Right.

Mr Ritchie—You might be interested to know that we think that, with the funds that we now have, we should be able to recruit something in the order of an additional 100 staff.

Senator TROOD—I want to talk to you about staffing in a moment, Mr Ritchie, but just I wanted to clarify the priorities here. In particular, with regard to these four areas, is it intended to open new missions, or are we essentially complementing existing missions?

Mr Ritchie—It is essentially the latter.

Senator TROOD—So we are not proposing to open any further missions in Africa or Latin America, for example?

Mr Ritchie—Beyond consideration of opening a mission in Lima, which the Prime Minister had previously indicated, no. Most of our missions in these places are of course very small—two or three staff—and we would like to strengthen them and actually add bodies to them if we could.

Senator TROOD—So the missions in those two regions and in India and Pakistan can look forward, you expect, to increased staff numbers?

Mr Ritchie—I sincerely hope so. But also here in Canberra, where we are aware, for example, that some of our areas that deal with those need additional bodies as well. So that is what it is for.

Senator TROOD—I see. And is that true in relation to the other general commitment?

Mr Ritchie—The other general commitment will also look at places across the globe where we think we need additional resources, as well as in Canberra, and we have already started some work on that. I should add that we have got additional funding for some quite specific things with positions tied to them, including, for example, on people-smuggling. And we have also been able, by getting the additional funding for the out years on some those initiatives, to maintain staff who are already working on those into the out years.

Senator TROOD—I think we will probably talk about some of those at some stage, Mr Ritchie. I think we will probably be interested to explore the very considerable amount of money that seems to be going to the International Commission on Nuclear Non-proliferation and Disarmament at some stage during our time together in the next couple of days.

Mr Ritchie—Certainly.

CHAIR—On this topic, Mr Ritchie: I understand that, after 1996, in the ensuing decade, total staff numbers in DFAT went down by something in the order of 17, 18 or 19 per cent. The government, as you have outlined, has now allocated serious extra funding. What is that

going to mean for growth in staff numbers over the period of the forward estimates in terms of actual numbers? Can you just put that on the record for us?

Mr Ritchie—As I mentioned earlier on, we should be able to recruit about 100 staff.

CHAIR—Is that bodies or FTEs?

Mr Ritchie—That is 100 FTEs.

Senator TROOD—And what is that equivalent to in bodies, approximately?

Mr Wise—By the end of this financial year we hope to have roughly an additional 100 bodies across the department. But it will not be reflected as the full 100 in FTE terms in the first year because we will not be recruiting them all on 1 July.

CHAIR—So what will that do? Are you able to give us a comparison between 1996 and the present time in terms of actual staff numbers when, by and large, the extra funding has kicked in and people are hired and doing their work?

Mr Ritchie—I will ask Mr Wise to provide an answer.

Mr Wise—I have here the numbers of staff we had. In 1996, the department had a total Australian based staff—which means Australians here in Australia and overseas—of 2,521. We had a headcount on 15 May this year of 2,210. Because some of those positions will be locally engaged staff you could add perhaps another 80 to that, so we should have around 2,300 at the end of this year.

CHAIR—And that includes locally engaged or just the 100?

Mr Wise—No, you would add an extra 10 to 20 to that for locally engaged staff.

CHAIR—That is a serious allocation of funds and a serious growth across areas of priority for the government, isn't it?

Mr Ritchie—It is very welcome growth.

Senator TROOD—But it is probably not enough, Senator.

CHAIR—It takes a long time to overcome 10 years of neglect.

Senator TROOD—Not just 10 years—the department has been on a slide long before this. However, let's move forward. I would just like to clarify the staffing and perhaps I should do that since we are in this kind of area. Mr Wise, you think that there are about another 100 staff in the department; is that right?

Mr Wise—In 2009-10, we plan to increase the size of the department by about 100 staff.

Senator TROOD—What sort of positions? Are we talking about a substantial increase in graduate recruitment of staff or are we talking about allocations from lateral recruitment at the more senior levels? Have you turned your mind to the areas where these 100 people will be filling the department's needs?

Mr Wise—In the first year, a lot of the recruitment will necessarily be lateral because the graduate recruits that come in—we have already taken in a batch of 40 for this year—go through a couple of years' training program. So they will not be able to make a real difference in this year. But looking at the out years, though, we will have to take a look and see whether

we need, for our next graduate recruitment round and the one thereafter, to take in some additional staff to fill these positions. But most of the staffing for these 100 or so positions will be through lateral recruitment this year.

Senator TROOD—And how many of them, is it intended, will be based here in Canberra and how many are likely to be overseas?

Mr Wise—The senior executive of the department is still working that through, so we do not have an answer to that yet.

Senator TROOD—Do you have any idea about possible proportions, generally speaking? Is it intended that the majority of these people will be allocated overseas or based in Canberra?

Mr Ritchie—It is a combination of the two. You would be very much aware that keeping a person overseas is a very expensive exercise. It is about three times more expensive than maintaining a staff member in Canberra. So we are looking at not just the priorities but the balance between the two, what we can afford and that sort of thing.

Senator TROOD—Are you expecting that any of the 100 will be locally engaged staff?

Mr Wise—Yes, we are.

Senator TROOD—And when are you intending to have that matter sorted out?

Mr Wise—It is normally done mid-to-late June, as part of an internal budget arrangement.

Mr Ritchie—We are very actively working on that right at the moment.

Senator TROOD—It is good that you are getting in the vicinity of another 100 staff. How many have you lost over the financial year? What are we looking at?

Mr Wise—As of 15 May this year, 112 employees had left the department. On those projections, we think that the final figure for 2008-09 is likely to be a little bit below what it was for 2007-08, which was 140 staff.

Senator TROOD—Does that mean 139, Mr Wise?

Mr Wise—We do not know, because it is—

Senator TROOD—I appreciate you cannot be accurate about this but you have obviously got some idea of the possible—

Mr Wise—We had 112 with six weeks to go, so—

Senator TROOD—So you might have another 10 or 20?

Mr Wise—We could have. It is hard to predict.

Senator TROOD—I think I have asked you this previously. Of the 112 who have left, I think you may have given some figures previously as to the reasons for their departure, but can you give me now a consolidated accounting for why they have left?

Mr Ritchie—Yes. Forty-two have left on resignation, 30 have moved to another agency, which includes state governments, 33 have retired, five have left through voluntary redundancy and there have been two deaths.

Senator KROGER—Of the 42 who have resigned, is that attrition in the graduate recruitment program over the first two years or are they more senior staff?

Mr Wise—They are across all bands. Very, very few, though, are from graduate recruitment. We tend to retain our graduate recruits. We have very little fall-off in our graduate recruitment numbers.

Senator KROGER—Of the 42 who have resigned in that period, do you do a breakdown in terms of their seniority in their positions?

Mr Wise—We do, but I do not have that information with me.

Mr Ritchie—We can give you, for example, quarter by quarter levels across the whole lot but not the breakdown, if that would be of help to you. I am not sure.

Senator KROGER—That would be helpful.

Mr Ritchie—Okay.

Senator KROGER—Do you do an exit interview where they provide their reasons for resigning?

Mr Wise—Yes, we do.

Mr Ritchie—Clearly not for those who have died, Senator.

Senator KROGER—No, that would be a bit difficult, I must confess. Of those who have resigned not those who have moved to other agencies—I am speaking of those 42—what are the reasons for their resignations?

Mr Wise—There tend to be a broad range of reasons. Quite often they or their spouse are moving interstate. It could be for family reasons, that they want to have a career change or that they are moving into the private sector—a range of reasons.

Mr Ritchie—Health, sometimes.

Mr Wise—Yes.

Senator KROGER—And of the 30 who have moved to other agencies, do they tend to be promotions?

Mr Wise—On the whole they tend to be people going on promotion. Sometimes they are on transfer but more often than not they are on promotion.

Senator KROGER—Do you factor into your recruitment drives, then, the rate or the percentage of attrition?

Mr Ritchie—Yes, we do.

Senator KROGER—You have suggested that you have been allocated 100 new staff. Does that include an allowance for attrition or is that in addition?

Mr Wise—Those 100 are additional staff.

Senator TROOD—Mr Wise, are the 112 who have left from substantive positions which would be filled?

Mr Wise—That is right.

Senator TROOD—You have not lost those positions because—

Mr Wise—No, we have not lost the positions; it is just that the people have moved on for the range of reasons that we have outlined.

Senator TROOD—So you have kept those 112 positions.

Mr Wise—Exactly.

Senator TROOD—Mr Wise, I think you told us at the last estimates that there were 98 staff who had yet to secure security clearances. Is that right?

Mr Wise—That was right at that time. It is now 60.

Senator TROOD—So since February 38 staff have been cleared.

Mr Wise—There is a net result of 38. Of course more are recruited week by week and more come off the security clearance list week by week as well. It is a continuous process.

Senator TROOD—I see. It seems to be taking a very long while to get through them.

Mr Wise—It is a requirement to have a top-secret security clearance to work in Foreign Affairs and Trade. Each security clearance on average takes about three months. Some take much longer if people have travelled or lived extensively overseas, for example, or if they are slow in getting their papers in. It usually takes about three months.

Senator TROOD—Are the 60 who have yet to be cleared in Canberra or are they overseas?

Mr Wise—They are recruited here in Australia.

Senator TROOD—So these are people in Canberra.

Mr Wise—In Australia. Some of them may be outside of Canberra.

Mr Ritchie—Some of them, for example, have not yet taken up their positions because they do not have the relevant security clearance.

Senator TROOD—How many of the 60 have yet to take up their positions because they cannot be allowed in the department?

Mr Wise—All of them. None of those people have yet taken up their positions because they do not have—

Senator TROOD—So none of them are in the department?

Mr Wise—No.

Senator TROOD—So you are waiting for security clearances for 60 people.

Mr Wise—Yes, that is right.

Senator TROOD—And that is true of all of the people for whom you are waiting for security clearance as a matter of principle. None of them joined the department.

Mr Wise—It is a requirement that you have a top-secret clearance before you work in DFAT.

Senator TROOD—You cannot park them anywhere where they had not going to cause any damage to the nation's interests without having a clearance?

Mr Wise—No.

Senator TROOD—Are the 60 slotted to go into particular positions or are they people who are just waiting to join the department and when they join they will be in particular positions?

Mr Wise—It depends. Some would be slotted for specific positions because they have been recruited as part of a specialist round. For example, they have been recruited to fill a specific, let us say, IT position and they will be going where those specialist skills are needed. Others are recruited in what we call generalist rounds and they could be put into any position where there is a requirement for a policy officer, or in the corporate area where there is a requirement for someone with, for example, accounting skills.

Senator TROOD—You probably do not have this figure. Perhaps you will take on notice how many of the 60 are designated for particular roles and responsibilities in the department. Can you advise not their names obviously but the positions for which they are recruited, allowing for any sensitivities that may be related to security.

Mr Wise—I can certainly let you know how many of those people have been recruited as a result of what we call specialist rounds. The balance would be people who are waiting from generalist rounds.

Senator TROOD—You might also advise me as to how long each of these people have been waiting in general categories. Are we talking three months, six months, two weeks?

Mr Wise—As I said, it will vary from person to person. The average is about three months.

Senator TROOD—I am sure the department has those statistics.

Mr Wise—We would not have them at hand but we can get them for you.

Senator TROOD—I appreciate that. Take that on notice, please, to advise me the people and the positions for which they are designated if you know them and the time it has taken to secure their clearances. Thank you.

You will be aware of the Lowy report on Australia's diplomatic situation, which was quite damning, I think it is fair to say, of the department's situation. There was an observation in the Lowy report about the number of relatively small missions that we have overseas. Lowy said that many missions are too small to carry out even core diplomatic functions. That was one of the observations in the report. How many of our missions overseas have three or fewer staff? Can you tell me that?

Mr Wise—I do not have those numbers with me, Senator, but I can get them for you.

Senator TROOD—Perhaps you could take that on notice as well, Mr Wise. And perhaps you would also do the calculation as to what percentage of our missions abroad that constitutes.

Mr Wise—Yes, Senator.

Senator TROOD—I want to go back to a matter relating to the budget. Ms Thorpe, you may be able to help me here, but I am happy to receive guidance from anybody who can explain this issue to me. I am looking at Budget Paper No. 4 about agency resourcing. Foreign Affairs and Trade is on page 106.

Ms Thorpe—I have not got that with me but if you ask me a question—

Senator TROOD—Has somebody got a copy of that document?

Mr Ritchie—Ask the question, Senator, and we should be able to try and answer it.

Senator TROOD—It should be a simple one. On page 106 of Budget Paper No. 4 there is a column headed ‘Appropriation Bill No. 1’. This is in relation to outcome 1. There is a figure of \$507 million in relation to appropriations. Below it is a figure that is an estimated actual, which is \$538,150,000. My understanding—and please correct me if I am in error about this—is that the \$538 million figure is the estimated actual for 2008-09. Is that correct?

Ms Thorpe—That is correct.

Senator TROOD—And the \$507 million is the amount to be appropriated for that particular outcome in the new year?

Ms Thorpe—2009-10.

Senator TROOD—Am I correct about those two things?

Ms Thorpe—Yes.

Senator TROOD—Am I not right in saying that those figures should also be in the PBS?

Ms Thorpe—What the problem is—

Senator TROOD—So there is a problem?

Mr Ritchie—She did not mean ‘problem’.

Ms Thorpe—No, there is no problem; I meant ‘issue’.

Senator TROOD—I am always alert to the possibility of a problem!

Ms Thorpe—I have not got the page in front of me, but the issue is that—remembering that we had a conversation about this earlier—we have changed our outcome. So what has happened is that, because the appropriation in 2008-09 was split by outcome in the bills, this is not comparing apples to apples. So what has happened is that, for example, outcome 3 for 2009-10 is considerably higher than the number underneath for outcome 3 for our estimate for 2008-09. This is because the 2008-09 one is done on the old outcome structure and the outcome for 2009-10 is done on the new outcome structure. I have not got it marked but somewhere in these tables there is the same sort of anomaly coming out because of the fact that the appropriation bills in 2008-09 showed that split and therefore we could not change it to align it to compare apples to apples. That is why you have this discrepancy at the moment.

Mr Ritchie—You will recall, Senator, in our earlier discussion we pointed out that the figures we put in our portfolio budget statement have actually been adjusted so that we are comparing apples with apples.

Senator TROOD—I understand that. My anxiety, or at least my interest, is alerted to the fact that in Budget Paper No. 4 there is a figure for the estimated actual of \$538 million. I would have expected that to be in the PBS.

Ms Thorpe—No, because in the PBS under the outcomes that we have been asked to prepare we have actually done them comparing apples to apples. So we have done it in the

PBS based on the current definition so that it will give you some sense of comparison. The way this is in the budget papers you have no ability at the moment to understand how we are going to go next year compared to how we are estimated to go this financial year. So the PBS is giving you in fact more information than what the budget paper is doing. But this appropriation bill had to reflect the split of the appropriation bills in 2008-09. What we have done in the PBS is give you greater transparency by trying to show a true comparison. The one in Budget Paper No. 4 unfortunately does not give you that comparison.

Senator TROOD—Transparency is a good thing. Openness is a good thing. I am grateful for the fact that the PBS provides that opportunity. So what you are telling me is that I need not be alarmed when I see on page 26 of the PBS, in relation to estimated actuals for outcome 1, a very substantial discrepancy of \$70 million.

Ms Thorpe—In what sense? Is it on page 26?

Senator TROOD—I am looking at page 26 at the first column ‘estimated actuals’ and I am looking at outcome 1, ‘appropriations’, but I am also looking at ‘estimated actuals’ from 2008-09 which says ‘462’.

Ms Thorpe—That ‘462’ is the expected expense in 2008-09.

Senator TROOD—That is what I am saying. The ‘estimated actuals’ in Budget Paper No. 4 is 538.

Ms Thorpe—That is right. As I said, that is because it has been done on the old outcome. We had to do that on the old outcome structure because it is in the appropriation bills, but what we have done in our PBS, which we have been asked to do, was actually to give you apples to apples. You can see that we are now actually comparing it to the 2009-10 figure. Our actual expense forecast for 2009-10 is considerably higher than in 2008-09 because we have received additional funding.

Senator TROOD—I was almost alarmed because the figure of 538 in the budget paper would have meant that you have gone backwards.

Ms Thorpe—Yes, I know. But you can understand where the budget papers have to have—

Senator TROOD—I see what you are saying.

Ms Thorpe—They are achieving two different purposes.

Senator TROOD—I see what you are saying. That helps me. Mr Ritchie, we have just spent a bit of time talking about India, Pakistan, Africa and Latin America, and you drew my attention to the fact that there has been an allocation of a sum of money in 2009-10, some \$18.8 million, for advancing national security and protecting Australia’s interest abroad. What intent do you have for that sum of money?

Mr Ritchie—For ‘protecting Australian missions abroad’?

Senator TROOD—No, for ‘enhanced diplomacy’. I understood you to be saying that was general funds which were available—

Mr Ritchie—Yes, that is correct.

Senator TROOD—which reflects your goodwill and the government's largesse in providing additional funding to the department.

Mr Ritchie—That is correct.

Senator TROOD—I understood you to be saying to me that this is additional funding which is untied to any of those specific purposes that I mentioned earlier. Is that correct?

Mr Ritchie—That is correct. These are additional resources for the department. As Mr Wise said and I mentioned earlier on, the senior executive of the department is now going through and doing a specific allocation of those funds to specific areas. Obviously we have some ideas and proposals of how we would do that. But, now that we have advice about how much money we have, we are actually going through the fine print of the detail of where those people might go.

CHAIR—How will that extra funding contribute to our foreign policy and our foreign service priorities?

Mr Ritchie—It will be very useful. Senator Trood referred earlier to a number of our missions—and we are getting that information—which are small, with three people or fewer. For some of those we will be looking at strengthening those missions, adding an additional staff member to some of them for particular purposes. That gives us the oomph to do more work overseas. Actually where those positions will be and the break-up between Canberra and overseas is what we are working through now. We are trying to at least beef up the kind of resources we have available to work on those areas.

CHAIR—Thank you for that response. I am particularly interested in what the extra funding might mean in key priority areas such as national security and the safety of Australians travelling overseas. You have mentioned obliquely in that context extra staffing and beefed-up staffing in smaller posts. Can you put something on the record about how that extra funding might contribute in those two areas I just identified?

Mr Ritchie—Everything we do is about national security including protecting Australians and advancing Australia's interests overseas and the support services that go with that. All our resources, including our additional resources, we would argue, go to enhancing Australia's national security. In terms of, for example, consular work some of those resources, as you will see, advance Australia's national security to protecting Australians abroad. Some of those resources will go to either restore, or appoint or strengthen our ability to undertake consular work overseas. We already have a very substantial network of people engaged in consular work. Some of those positions will go to that both here and overseas. We are still determining that.

CHAIR—Thank you; that is useful commentary. As you outlined in response to Senator Trood's earlier questions, the government has allocated something in the order of an extra \$320 million over the period of the forward estimates. You identified large numbers of extra staff to try and rebuild foreign service. The government has indicated that national security is almost a No. 1 priority these days particularly, as we will discover on Wednesday, in discussion on funding for the white paper and the like. In other sessions there has been extensive discussion on security related issues. I wonder if you are able at this stage to outline more particularly how the extra funding to your agency is going to assist in the concentration

on Australians overseas and broader national security objectives or is that still a work in progress that you and your senior officers have to attend to in the coming months.

Mr Ritchie—It is still a work in progress. I mentioned earlier on that we have acquired additional funding broadly to strengthen resources and for strengthening our regional engagement in particular regions. I also mentioned that we have been given resources for the out years associated with some of the initiatives. For example, in regard to what we call the Evans commission, the International Commission on Nuclear Non-proliferation and Disarmament, that serves to help Australia protect itself through strengthening the international non-proliferation regime in other ways. We have also received specific funding—and it is listed in the budget measures—to combat people smuggling. We have been given the funding as per the forward estimates to continue our work on counterterrorism in the region. There are a range of issues like that which fall within it. We would argue that almost everything we do is aimed at strengthening national security. There is some broad funding that we have received and there is also some quite specific funding with positions tied to it that we have received as well.

CHAIR—Thank you, Mr Ritchie, you have put some meat on the table there. There has been some criticism in more recent years that we have neglected our key relationships in the region in both a bilateral and a regional sense. Will the additional funding have any relevance there? Will it make a difference on our bilateral and regional engagements?

Mr Ritchie—I guess there are two things to say. Firstly, I think we have put a huge amount of effort into our key bilateral relationships. In fact over a number of estimates hearings we have made the point that, with the money we are given, we look at what our priorities are. We have to set priorities and our priorities relate to key relationships around the world and key issues that we have to pursue.

The additional funding will provide for, for example, us continuing a lot of work we are doing on the Pacific engagement, on RAMSI and maintaining our commitment there, on people smuggling and in terms of other things in key relationships. To the extent that we add additional people, that will also strengthen the resources we have available to work on those relationships. I think we have put a huge amount of effort into key relationships according to the priority setting we have already done. This will provide us with the resources to do even more in those areas.

CHAIR—So you would argue that the government is insisting upon a continued heightened concentration in the Pacific area, or is that putting it too strongly?

Mr Ritchie—No, it is certainly not. The government has made it quite clear that it wants DFAT to work at supporting enhancing our engagement with the Pacific region. At some point no doubt during the next 24 hours or so will be to go through that in some detail. There has been a lot of activity in regard to the Pacific. We will also be able to strengthen the work we are doing in other key relationships, but the government has also indicated that it thinks there are one or two areas where we could be doing more with additional resources. It clearly regards some parts of the resources we apply to our relationship with countries in Africa as underdone. I have mentioned that before. We are looking at that as part of the strengthening

regional engagement initiative. The same in regard to Latin America, and some additional work on Pakistan and India as well.

Senator FERGUSON—Is there anywhere left in the world?

Mr Ritchie—There are plenty of places where we could be active. We are active for a medium country, we are very active around the world.

CHAIR—One final question: what about trade? Can the department now do more on our overseas commercial interests? Without going into trade particular responses, can you give us any indicator there of instructions you have received from the government in that area?

Mr Ritchie—We are the Department of Foreign Affairs and Trade, so a lot of the work we do overseas also relates to trade policy. There will be a lot of positions which work not just on pure foreign policy issues but on trade policy issues. Some of those positions will be in that regard. We have also got funding for additional specific things, for example for the ROK FTA, for the trans-Pacific partnership, for some aspects of our relationship with India. Under regional engagement there will be some of those positions. We will work on enhancing commercial relations and trade policy. We have also got funding, you will see in the list there, for the APEC Business Advisory Council. So there are a bunch of other things that relate to trade and trade policy and advancing our commercial interests as well. Some of those positions will be trade policy positions as well.

CHAIR—Thank you. Senator Ferguson.

Senator FERGUSON—On key relationships in Asia, you said there were a number of people who were critical in recent years that it has been neglected. I am just wondering who else might have been critical other than the present government. It would appear to me that in both Asia and the Pacific there was a considerable amount done in previous years. In overview I think there are a number of matters we would like to cover and I would like to raise the issue of the bid to seek a temporary seat on the United Nations Security Council. What practical value to Australia is a temporary seat on the Security Council?

Mr Ritchie—I will ask my colleague, Mr Potts, who deals with the Security Council to answer that question. The government has made it clear to us—and we are there to serve the government of the day—that enhancing or strengthening its engagement with the multilateral system, whether it is in the United Nations or other aspects of the multilateral system, is one of the pillars of the government's foreign policy—along with strengthening engagement with the Asia-Pacific and the US alliance. That is an absolutely fundamental thing that we are required to do more of, and that is government policy. I will ask Mr Potts to comment in specific terms in relation to the Security Council.

Mr Potts—I think that Mr Ritchie has largely covered the ground. But in supplementation, if you look at the United Nations system in the broad, the Security Council is the pre-eminent body which deals with international peace and security. It has got mandatory decision-making powers that the other bodies of the UN system essentially lack. It deals with global policies that no single country can solve or resolve. It is very much a body which integrates the various aspects of the UN system.

I think we have always had this concept of Australia as a creative middle power, and we think that Australia can bring that particular perspective to the work of the Security Council. We have also been very active in terms of the peace-keeping and security agenda of the UN. We would like to bring that perspective to the council as well. The other aspect of course is that it has been a long time since we have been on the Security Council. The last time was 1985-1986. By the time that we come to the election in 2012 we will have been absent from the council for some 30 years at that stage. I think these were the various aspects of the government's thinking when it decided to run for the council.

Senator FERGUSON—You can understand that a lot of people might say, 'Why bother?' when in fact the permanent members still have a veto. As someone who has spent three or four months there a few years ago, along with my colleague, Senator Forshaw, who did the same sort of stint, I cannot remember one country that was on the Security Council as a temporary member. I can remember all of the permanent members but I cannot remember one of the temporary members. I wonder whether or not there are any other positives other than 'strengthening our engagement with other countries'—I am never quite sure what that means.

Mr Potts—If you look at the Security Council you need to look beyond the permanent five. Certainly they have a disproportionate role; they do have the veto. But we are looking at a 15-member council; you do need the support of nine countries for the passage of any resolution. If you like, the non-permanent 10 do have an ability to influence the P5. The P5 are not monolithic; the history of the UN suggests that the P5 do not vote together, so the non-permanent 10 do have a real significance on the council. It is noteworthy that countries are very keen to be on the council. It is certainly the case that Australia is facing a contested election. But we are not the only one—certainly the majority of campaigns for the West European and Others Group on the council are contested, and many of the other electoral groups also have contested elections. Other countries besides the P5 certainly regard non-permanent membership as something that is worth having. As one who was on our Security Council delegation the last time we were on the council in 1985-86 I think it is fair to say that Australia and—I think we had Denmark at that stage on the council—were heavily engaged by other countries wanting us to reflect their points of view or to share particular information in terms of what we were working towards on the council.

Mr Ritchie—Senator, I might just add two other things. Firstly, I would say that the vast majority of resolutions in the council do not involve a veto at all. From my experience, it involves a great deal of negotiation. Even the permanent five, the United States and others, are very keen, when they introduce resolutions, to make sure. It has a greater weight if it is a unanimous resolution, and a lot of effort is put into negotiating it and getting the support of the full council. The other thing to say is that if we were successful of course we would also take our turn as President of the Security Council for a period. We would therefore have an ability to shape the agenda and respond to some serious issues during that time.

Senator FERGUSON—If you are talking about a position on the Security Council, some might suggest that it was somewhat more about prestige than being able to influence decision. For instance, I wonder, should Lichtenstein be successful, just how a country of that size would hope to strengthen their engagement with other countries and influence decisions that might happen to take place and what influence they would have on the rest of the world.

Mr Ritchie—I think you mean Luxembourg, Senator.

Senator FERGUSON—Sorry, I said Lichtenstein; I meant Luxembourg. I apologise.

Mr Potts—What I would say, and Lichtenstein is in fact a bit of an example of it, is that a number of small countries in the UN have particular niche areas of work where they make a big contribution. In the case of Lichtenstein, funnily enough they are very good on international law and in the Sixth Committee, where they have a strong profile. So even small countries—some small countries, not all—in a sense do have a profile and can bring a particular area of expertise to bear.

Senator FERGUSON—Other than the costs involved in trying to obtain a seat on the Security Council, are there any potential negatives?

Mr Potts—There is a lot more work involved, but that is a positive, I think.

Senator FERGUSON—On page 266 of Budget Paper No. 2 there is a claim:

Membership of the Security Council would enhance Australia's ability to shape international responses to security issues.

Can you tell us or give us an example of what types of responses to security issues the government wants to shape?

Mr Potts—A topical example would be North Korea. For example, if we were on the Security Council at the moment we would be able to influence more directly the way the Security Council reacts to developments in North Korea.

Senator FERGUSON—And you do not think that there are alternative mechanisms to a seat on the Security Council that can enhance Australia's ability to 'shape international responses'?

Mr Ritchie—To use that horrible Americanism, we can walk and chew gum at the same time. In working on, say, the North Korea issue, we would benefit not only by being able to shape. When we look to the North Korean issue, the first question on many people's lips is: how will the Security Council respond to that? That is one issue. Secondly, we obviously have done a great deal of work in responding to it across a whole range of areas. It is not just the Security Council; that is just one dimension of what we do. The Security Council is a primary body. If the North Koreans undertake a nuclear test, a lot of the reporting, lot of what we first look to, is what the Security Council will do to guide that response—and that applies to the whole range of issues which the Security Council deals with. We work on, say, North Korea not just on the Security Council, if we are on it, but more broadly—in the UN, bilaterally, with other regional countries—in a whole range of ways.

Senator TROOD—Gentlemen, are you saying that we are not doing those things now?

Mr Potts—No.

Mr Ritchie—Not at all.

Senator TROOD—I have listened closely to the arguments you are making and it is not clear to me. We have a mission in New York. We are a founding member of the United Nations. We have been active in multilateral diplomacy in the United Nations for a long

period of time and we have very good relations with many of the countries on it. It seems to me that we are doing those things already. Mr Potts, you cited the North Korean issue.

Senator FORSHAW—They seem to me to be very good reasons for actually trying to get onto the Security Council rather than trying not to get on it.

Senator FERGUSON—Senator Trood was in the middle of asking a question.

CHAIR—Order! Senator Trood has the call.

Senator TROOD—Thank you, Chair. Mr Potts, are you suggesting that we are not currently engaged in trying to assist the Security Council in coming to a resolution of what should and should not be done?

Mr Potts—No, not at all. I think this government is in the business of enhancing our diplomatic profile across the board. But, at the same time, if you are looking for a further particular opportunity to enhance it, obviously it is membership of the Security Council.

Mr Ritchie—As I mentioned earlier on, we are doing a great deal now. The government has the priority of doing more, strengthening its engagement with the multilateral system. The Security Council, as Mr Potts has explained, is the peak body that deals with those sorts of issues and it regards that as a serious step forward in strengthening even more what we do. The mission in New York spends a lot of time liaising with members of the Security Council, providing Australia's point of view. If we are on it, though, we have a greater opportunity to shape the outcome.

Senator TROOD—That is precisely it, isn't it, Mr Ritchie? We have a mission in New York and it is well staffed. How many people do we have in our mission?

Mr Ritchie—I do not have that figure with me.

Senator TROOD—Perhaps someone can find that.

Mr Ritchie—Of course. We have quite a large number.

Senator TROOD—We have a large mission in New York already. Apart from those who may have recently been sent there to enhance our capacity to be able to secure this Security Council seat, we already have a large mission there, with a considerable number of staff. I imagine you can also tell me that what the figure for sustaining that mission is over a period of time. It is not an inconsiderable amount of money. You have said that we already are very active within the Security Council and within the United Nations generally in New York. It is not clear to me what value we are adding by securing a seat on the Security Council. If we already have this access to the main players, if we already have the good relations which allow us the opportunity to be able to influence decisions of the Security Council and the views that might exist in relation to the five that hold the veto, why are we spending \$11 million—and one suspects this is not the end of the amount of money we are going to be spending on this activity—to secure a seat, which is a temporary seat for two years?

Mr Potts—I think you are right, to a point—

Senator TROOD—So you agree with me?

Mr Potts—No, no; to a point!—to say that we already have very good access to members of the Security Council. But what we do not have is access to when the 15 members of the

Security Council meet in private, when they are negotiating the final text of a resolution, for example. I think everyone has the perception that Security Council sessions are public. But in fact they have a lot of working sessions of the 15 members, either in committee or in the private room at the back, which are not open to the public. This is where final texts generally are hammered out. The public sessions tend essentially to be for the purposes of countries preparing national statements, whereas those private working sessions are open only to the 15 members, and any of the 15 countries can have a significant influence.

Mr Ritchie—Also, just to add to that, we are a very well-regarded member of the United Nations, as you rightly say. We are a very responsible and active member of the international multilateral community. We are a wealthy nation and a medium power. But when it comes to influencing the Security Council—and we have excellent diplomats and others there who are working all the time on that—we are one of 192 members of the United Nations. If we are on the Security Council, taking our turn after 30 years, we have an ability to shape the individual resolutions and shape responses to particular security crises. The government regards that as a confirmation, or just acceptance, of our international responsibility every 30 years or so.

Senator FERGUSON—I was interested to note, Mr Potts, that you used North Korea as an example. Could I respectfully suggest that, if the current situation in North Korea is not resolved prior to our getting a seat on the Security Council, then the world might be a different place. Senator Trood asked questions about increased funding for Africa and Latin America. Did the department recommend that funding be increased for those areas?

Senator FORSHAW—Are you moving off the UN Security Council?

Senator FERGUSON—No, I am not.

CHAIR—It is okay. Senator Forshaw has foreshadowed—

Senator FERGUSON—I am just leading to other questions about the Security Council.

CHAIR—That is okay.

Senator FERGUSON—I have asked the question.

Mr Ritchie—Let me just say that the department argues—and I am not going to go into the details of that because it is within the budget process—for resources that we would like to have across a range of areas. But, in the end, we are always subject to a whole range of factors that the government has to take into account, including the state of the budget and other things. Of course, we accept that. Secondly, we do not set the priorities; the government does. The minister's view and the government's view is that our relationships with some of those countries in Latin America and Africa are not as well developed as they should be, so some of those additional resources should go into there. That is the government's prerogative to make that decision and we will implement that. Just to pre-empt the question, we also sought funding for the two out years for the Security Council campaign but we have only been funded for that for one year. We have received funding for the next couple of years. As professional diplomats, we would say to the government: 'If we want to prosecute this campaign, we need some resources to do so and we need them over a number of years—and we are very grateful to have them.'

Senator FERGUSON—Other than garnering votes for a position on the Security Council, how can increasing diplomatic links with Africa benefit Australia?

Mr Ritchie—Let me just give you a couple of examples. I have had a posting in Africa myself in Nairobi, where we covered seven countries. My colleague Deborah Stokes, from the relevant division, might want to add to this. But, just to give you a sense, my sense is the state of Australia's relationship with Africa has grown very substantially—I left there in 1988—in the last 20 years. For example, there are now more than 300 Australian mining and oil companies active in Africa, and we estimate current and prospective Australian investment in Africa at about US\$20 billion. That is a serious investment, a serious activity by Australian companies. In addition to that, associated with that is a large increase in the number of Australians who are in Africa working for these companies in all sorts of places. We have a need to protect them in a consular sense.

Senator FERGUSON—Who we are now going to tax more heavily?

Mr Ritchie—The continent represents a market of nearly one billion people for our trade with Africa. Our trade with Africa has actually grown more quickly than it has with other regions over the last decade. We have almost 9,000 African students studying in Australia. Over a quarter of a million Australians are African born. Just to give you a sense of the state of our relationship, it has grown very dramatically in the 20 years since I left my posting in Nairobi. Certainly, Mr Smith has made it clear—and I think it is the government's view—that he regards the level of our diplomatic and other engagement with Africa as not having increased commensurate with that increase in our relationship. So he wishes, as a matter of policy, to devote more of those resources to Africa. I think it is a reasonable argument that our diplomatic and other engagement with Africa is underdone, compared to the level of Australia's relationship with those countries. Another angle is the government is committed to go to 0.5 per cent of GNI in terms of aid over the next few years. A part of that aid—and the committee will obviously be hearing this directly from AusAID—will go to Africa. That needs to be administered. There are a range of issues where we think the relationship needs to be improved to, at least, support and assist the relationship that we have with Africa, which has grown out of proportion to our representation.

Senator FERGUSON—Did the department provide a briefing to the Governor-General on Australia's bid for a temporary seat on the UN Security Council prior to her visit to Africa?

Mr Ritchie—I will ask Ms Stokes to respond to that.

Ms Stokes—Would you mind repeating the question?

Senator FERGUSON—Did the department provide a briefing to the Governor-General specifically on Australia's bid for a temporary seat on the UN Security Council?

Ms Stokes—We provided not only a briefing in writing for the Governor-General but also an oral brief prior to her visit. The briefing encompassed many dimensions, including the nature of our relations with Africa the continent and the individual countries that she was visiting. In the course of that brief we updated her on where we were with the UN Security Council campaign in relation to the country she was visiting.

Senator FERGUSON—So you did give her a specific briefing on the bid for a temporary seat on the council?

Ms Stokes—That is right, but I must emphasise that it was in the context of briefing her on many aspects of our relations with Africa.

Senator FERGUSON—I am sure that would have taken place. Do you know what concrete outcomes were achieved by the Governor-General in this regard during her trip to Africa? If you gave her a briefing on it, it must have been part of the discussions?

Ms Stokes—It was an element of discussions but, in all cases, it was quite a small element of the discussions.

Senator FERGUSON—So there were no concrete outcomes?

Ms Stokes—I think it is generally the case we do not reveal the details of where we are with the campaign. In relation to the campaign, that would not be helpful to Australia's interests. Prior to the visit, it is the case that a number of countries had already indicated their support. I cannot reveal which countries, again, for the reason I have just mentioned. Some of the countries visited had already previously indicated their support for our candidacy.

Senator FERGUSON—In relation to this issue you cannot tell us whether the Governor-General's visit to Africa and the discussions she may have had about our proposed bid to get on the Security Council were totally successful or totally unsuccessful?

Ms Stokes—I think your question begs lots of comments. One point I might add is that the President of Mozambique indicated publicly in a press conference in the course of the Governor-General's visit there that Mozambique would support our candidacy.

Mr Ritchie—I think we regard all high-level contacts across the whole range as being important in supporting our candidature, in confirming support for the candidature. In many other ways we need to shore that up over a period of time. Our competitors are very active as well. As Ms Stokes has said, the Security Council campaign was just a small element of the visit, which really related to our relationship with Africa and which I have covered previously.

Senator Faulkner—I might commend to you, Senator, evidence that was provided during last week's Finance and Public Administration Committee's examination of not only the Department of the Prime Minister and Cabinet but also the Office of the Governor-General. The Official Secretary to the Governor-General actually canvassed some of these issues in considerable detail. You may have seen that.

Senator FERGUSON—I have not seen it; that is why I am asking the questions.

Senator Faulkner—I would commend that to you. It might be of assistance to you.

Senator FERGUSON—Has the department ever expressed any concerns about the Governor-General's role during her trip?

Mr Ritchie—Not to my knowledge.

Ms Stokes—Concerns about?

Senator FERGUSON—About the Governor-General's role?

Ms Stokes—No.

Senator FERGUSON—Are there any future overseas trips that the department is aware of that the Governor-General might take where she would discuss Australia's UN Security Council bid?

Mr Ritchie—I am not aware of any trips. You might have to ask Government House about that.

Senator FERGUSON—Surely the department would be notified if she was?

Mr Ritchie—It might well be. I am certainly not aware of any forthcoming trips.

Senator FERGUSON—Because, if you did not know that she was going, you would not be able to provide any briefings for her?

Mr Ritchie—It is perfectly normal. We provide briefings for the Governor-General all the time on a range of things. Whenever she meets a head of mission or a visitor from overseas, we provide a brief. It is a perfectly normal thing.

Senator FERGUSON—That is why I asked. To the best of your knowledge, there are no future—

Mr Ritchie—To my knowledge, at this point, no. But, again, I am not the expert on that. You would need to ask Government House.

Senator TROOD—How many votes are in Africa for the Security Council bid?

Mr Potts—I think it is either 51 or 52.

Senator FERGUSON—It is 53. Have you ever done any analysis or research on the effectiveness of the Governor-General's trip in support of the government's campaign for this seat, or on the \$106 million over four years to increase the diplomatic links or on the direct cost of \$11.2 million over two years to fund Mr Rudd's UN Security Council bid? Have you done any research?

Mr Ritchie—I am not quite sure I understand the question. We of course argue for resources for all those things, but it is the government that will determine the priorities, as is absolutely right and has always been the case. The government is of the view, for example, as I have already mentioned, that the resources we devote to the relationship with Africa are underdone. It is also of the view that Australia should be seeking a seat on the Security Council for a number of reasons, which we have already been through. We provide advice of course on how those campaigns should be taken forward or what resources are required. It is up to the government then to determine what resources we get. But I am not sure what you mean by 'research'.

Senator FERGUSON—I presume that the department conducts an analysis of the effectiveness of the money that is being spent?

Mr Ritchie—We keep a very close watch on the effectiveness of the money that is being spent. If we are given public funds, we are always accountable for those. We do not determine the policy priorities. It is quite properly a matter for the government. But if the government has determined as one of its priorities that we should seek a seat on the Security Council, the department provides professional advice on how that campaign should be taken forward. We seek funding for that and the government then determines what funding we will get. We then

prosecute it with all due professionalism and, I guess, in the end the effectiveness of the campaign will be determined a little by whether we succeed.

Senator FERGUSON—The 2009-10 budget includes an additional \$1.4 billion in measures over the next four years for AusAID, more than half of which is to be spent in 2012-13, which just happens to be the year of the vote on our UN Security Council bid. Is there any reason why more than half of that \$1.4 billion should be spent in that year and not spread more evenly over the four-year period?

Mr Ritchie—I apologise, but that is something you will have to ask AusAID. A very great deal of effort and decision-making time was put in by the government in determining the phasing for how the government's target of 0.5 per cent of GNI should be achieved over that period. I think it related to issues that went way beyond the Security Council campaign. Again, that is a question for AusAID, not for us.

Senator FERGUSON—Minister, I wonder whether you might be able to shed any light on the fact that more than half of the next four-year projected additional expenditure is being spent in that period, 2012-13?

Senator Faulkner—I really cannot throw any light on it. I will have a look at that in advance of when AusAID come to the table, although as you appreciate Senator Stephens deals with those matters. I might flag with her that you have an interest in that. Because I do not deal with those matters I do not look closely at them, but I will certainly flag that with Senator Stephens and give her some advance warning that you have an interest in that area.

Senator FERGUSON—In relation to all of these Security Council matters, when it all boils down, it is a secret ballot and, although people might even publicly commit to voting for Australia, there is no guarantee that those votes will ever translate?

Mr Ritchie—As we have experienced in the past. In fact, by way of a purely professional comment, spending large amounts of money in the year in which the vote occurs is, from a strategic point of view, actually not very sensible. It would be better to be spending them earlier on.

Senator FERGUSON—Now?

Mr Ritchie—Yes.

Senator Faulkner—I think most politicians understand these vagaries. It would be a very unusual politician who has not found over the years that not every vote necessarily promised in a ballot is delivered. But that may be so in your case, Senator. If so, I suspect you are, as I say, in a very unusual position.

CHAIR—Thank you, minister.

Proceedings suspended from 10.30 am to 10.46 am

CHAIR—We are discussing Australia's application for the UN Security Council position. Senator Forshaw has some questions.

Senator FORSHAW—Just to follow up on this issue of the value of seeking membership of the Security Council, I detected opposition from the opposition to our bid. They will not

actually come out and say that, but it is all a negative. As I understand it, Australia is one of the top 15 contributors to the UN budget. Is that correct?

Mr Potts—Yes, it is. I think we are the 12th or 13th largest contributor to the regular budget and much the same for the peacekeeping budget.

Senator FORSHAW—I was going to ask you about the peacekeeping budget, but for the overall budget we are within the top 15?

Mr Potts—Certainly.

Senator FORSHAW—With peacekeeping, whereabouts do we seek to set in rank in terms of financial contribution?

Mr Potts—Financial we are certainly in the top 15, about number 13.

Senator FORSHAW—As I understand it, the issue of peacekeeping deployments is one that would regularly occupy the mind of the Security Council.

Mr Potts—That is undoubtedly true.

Senator FORSHAW—For instance, the proposed deployment of a large UN force to Darfur has been regularly on the agenda?

Mr Potts—That is correct.

Senator FORSHAW—Another issue that we are very committed to but seems to run into blockages is UN reform, and Security Council reform as well.

Mr Potts—That is true.

Senator FORSHAW—The reason I ask you that is that, notwithstanding the good opportunities we have as a longstanding member of the UN having a mission in New York and capable representation, both the recent ambassador and I believe the new ambassador, on those big issues such as peacekeeping and reform, just to pick two, there are advantages in actually being inside the tent, inside the Security Council, rather than being a major contributor but with little effective say inside the Security Council.

Mr Potts—I would agree with that proposition, yes.

Senator FORSHAW—How often has there been representation from the Pacific region on the Security Council in the last, say, 20 years or so—or going back to when Australia was there last?

Mr Potts—From recollection, New Zealand has certainly been on the council once, perhaps twice. I do not think any other Pacific country has been on the council during that period.

Senator FORSHAW—So one of the potential advantages, if Australia were on the Security Council, is that it would provide an opportunity for a bit more focus on Pacific area matters?

Mr Potts—Yes, in fact we are arguing that if we were elected to the council we would bring an Asia-Pacific focus to the council's work. I think one of the reasons why our candidacy already has public support from the Pacific Islands Forum is precisely that the

forum members believe that we would bring a Pacific voice to the council, which could inject some of their concerns onto the council's agenda.

Senator FORSHAW—Based upon my own reading and understanding of this, the UN is increasingly looking to regional peacekeeping arrangements, such as what we have been doing in the Solomon Islands, to support the overall peacekeeping and peace-building measures of the UN peacekeeping department. Is that correct?

Mr Potts—I think that is right. Interestingly, in Africa as well, there is a greater interest by the United Nation in using some of the regional bodies, such as the African Union and the West African grouping, ECOWAS, in support of peacekeeping operations.

Senator FORSHAW—So the UN is clearly prepared to recognise the excellent work we do in peacekeeping, but not being on the Security Council—or being outside the Security Council—means that you are doing the grunt work but you are not necessarily always at the forefront of the discussions about these matters?

Mr Potts—That is true, I think, to a point, although we do have the opportunity, particularly when our interests are engaged, let's say, on the renewal of the East Timor mandate and so on. Helpfully, the players on the council tend to approach us as an interested country.

Senator FORSHAW—That reminds me that the previous government—and I pay tribute to them—and the previous foreign minister campaigned very hard to support AFP officer, or commander, Andrew Hughes to head up the peacekeeping police force. Please remind me of the specific position he obtained?

Mr Potts—Mr Hughes is the police adviser in the UN's Department of Peacekeeping Operations, so he is the most senior policeman attached to the UN system.

Senator FORSHAW—He answers directly to the Secretary-General, doesn't he?

Mr Potts—No, he answers through the Under-Secretary-General and then to the Secretary-General.

Senator FORSHAW—So getting Australians into these positions—and we do not have many of them, I must say—is important. In other words, it is important to get our voice heard at the highest levels wherever possible?

Mr Potts—And we would see Mr Hughes's appointment as, in many ways, reflecting the UN's satisfaction with the particular expertise that the Federal Police and the state police forces have been able to bring to the police component of international peacekeeping.

Senator FORSHAW—My recollection is that the current Secretary-General, Ban Ki-moon—and indeed previously Kofi Annan—have recognised that, if you are looking for the one area of UN activity that has increased significantly compared to others over recent years, you will see it is peacekeeping.

Mr Potts—Yes, undoubtedly so.

Senator FORSHAW—When I asked you about other Pacific nations that have been on the Security Council in recent years you said New Zealand. We work with certain other countries at the UN as part of what is called the CANZ group—not to be confused with agricultural

group—which is Canada, Australia and New Zealand. Canada has been on the UN Security Council in recent years, has it? Do you recall?

Mr Potts—Yes, it has.

Senator TROOD—I think you will find, Senator, that it is actually campaigning for a seat at the moment.

Senator FORSHAW—Yes, but not in our group.

Mr Potts—My colleague here reminds me that New Zealand was elected in 1992; Canada in 1998.

Senator FORSHAW—Okay. We are also in a slightly bigger group as a regional or alliance grouping if you like, and there are many of these in the UN. There is JUSCANZ—Japan, the United States, Canada, Australia and New Zealand.

Mr Potts—Yes. It depends on the forum.

Senator FORSHAW—I appreciate that, but these are countries we initially caucus with. The US, of course, is a permanent member. Japan—have they been on the Security Council recently?

Mr Potts—Japan is on the council relatively frequently, and of course Japan is publicly campaigning as part of the possible reform of the Security Council system.

Senator FORSHAW—It is for enlargement of the Security Council.

Mr Potts—Yes. It is interested in permanency.

Senator FORSHAW—I understand. You see where my point is leading to which is: of all the countries I have just mentioned, the only one that has not been a member of the Security Council for quite some time is Australia. Thank you, Mr Potts.

CHAIR—I have a question arising out of that discussion, probably for you, Mr Ritchie. Is the government intending to respond to that Senate inquiry into peacekeeping? Is that a matter for your agency or defence?

Mr Ritchie—It is defence, Senator.

CHAIR—It is a defence responsibility?

Mr Ritchie—Yes, Senator, it is defence.

Senator TROOD—Mr Potts, just on Senator Forshaw's point about consultation, which I thought was a good point. You responded, I think, by saying that, whenever an issue comes before the Security Council which affects Australia's interests or where the permanent members and most particularly our closest allies and friends on the Security Council think that we have something to say or can be of assistance, we are consulted, aren't we?

Mr Potts—No, not always. I would answer that this way—

Senator TROOD—I thought when Senator Forshaw raised this point that you made the point, and I thought it was a good one, that we are frequently consulted by our friends on the Security Council about issues which touch us.

Senator FORSHAW—Point of order, Chair. Just to explain—that was not quite what I said, but I am not necessarily disagreeing with that. What I was talking about were the loose groups that exist in the UN General Assembly forum where countries caucus together, and they are the ones we are immediately involved with. There is also a group of 15 which are the major financial contributors. It is a slightly different approach if you like to the explanation you are putting to it. They actually consult prior to even the start of the General Assembly and work out which issues they might agree on and there are some that we do not necessarily agree on. Nuclear armed ships has been one difference between us and New Zealand.

CHAIR—Thank you, Senator Forshaw, for that contribution. Senator Trood.

Senator TROOD—I think Mr Potts was in the process of responding.

Mr Potts—I was making the point in response to Senator Forshaw that, because of the good work of our mission in New York, we are consulted, particularly on East Timor—as I mentioned. That is because we have specifically sensitised our friends on the council to keep us informed and so on. It is not the same as being on the council and in the room at the time when these things are discussed. We have to work at it. I think our mission in New York works well on it, but you have to keep reminding members of the council—especially when they rotate every two years—that Australia has a particular interest in, for example, X, Y or Z.

Senator TROOD—Indeed, and that is the purpose of our mission in New York—to undertake that responsibility, to sensitise members of the organisation, and particularly members of the Security Council when the need arises, to Australia's interests. That is what it does. I think everybody recognises that it does that very well.

Senator FORSHAW—No one is disagreeing with that.

Senator TROOD—That is precisely the point. We do this very effectively. I am just wondering is there any issue, Mr Potts, where you can say that our national interest has been materially and detrimentally affected over recent years because we have failed to be a member of the Security Council?

Mr Potts—I think it is more a question of arguing in the opposite way and saying we would be able to be more proximate and more intimate in our engagement if we were there in the so-called consultation room with the other 14.

Senator FORSHAW—It would be like being a minister instead of a backbencher.

Senator TROOD—But the point is: have we done a calculation as to the occasions when our interests have been affected detrimentally as a result of not being where you say we should be to influence the outcome of Security Council decisions?

Mr Potts—I am not aware that we have. On the other hand, the government has decided to promote its candidacy and we are heavily engaged in promoting the success of that.

Mr Ritchie—As I mentioned before, there is a qualitative difference between being consulted about issues and actually being able to shape and influence issues by being a member of the council. I suspect that one of the issues the government has taken into account in deciding to run for the Security Council does not just relate to where our interests are being detrimentally affected but actually relates to Australia being an active participant across the whole range of issues, bearing mind that we have not actually been in that position for 30

years or so. It is time that we took our turn to be able to talk about a range of issues that go way beyond individual issues like East Timor. Presumably, given the government's priorities, we want to be able to do more activity on non-proliferation issues or on other wider international security, and other, issues. So it is a positive thing and not a negative thing. It is promoting our interests as well as not—

Senator TROOD—I acknowledge that Australia's international interests are broad, and they certainly do include issues such as the nonproliferation of nuclear weapons and weapons of mass destruction et cetera. But I think the point remains that it seems to be difficult for anybody at the table to point to an occasion that has occurred where our interests have been badly affected by failing to hold a temporary position on the Security Council.

Mr Ritchie—I am sure there are such issues, but I—

Senator FORSHAW—I would suggest that East Timor might have been a classic case. If we had been on the Security Council, we would have been in a stronger position to argue. We may or may not have been on there at that time because of the rotation system, but clearly that was an issue that was at the forefront of UN Security Council consideration at the time that directly affected our region.

Mr Potts—I seem to recall, in relation to East Timor that in the early days of INTERFET, for example, when there were discussions of mandate and so on, there were some aspects of it that we were quite uncomfortable with. We had to engage very heavily, I think, from a position of comparative disadvantage by not being in the council. I think we finally got, through a number of iterations, the sort of outcome we were looking for, but it was by no means a smooth process. It required a fair amount of diplomatic capital. If we had been inside at that time as part of the council, it clearly would have been a smoother and, I think, a much more seamless process.

Senator TROOD—I guess it is just one of those things, as my colleague says, that is difficult to prove. But in the end we got the resolutions of the council we needed to support Australia's involvement in the East Timor activity, as a result of no doubt very effective diplomacy. Mr Potts, are you trying to keep a handle on the costs that are involved in this Security Council bid and all of the costs that the government might have to outlay for it?

Mr Potts—I think the department as a whole is, not just me.

Senator TROOD—Is someone within the department responsible for monitoring the general costs involved?

Mr Ritchie—Certainly.

Mr Potts—Yes.

Senator TROOD—Is that Mr Potts, Mr Ritchie?

Mr Ritchie—Mr Potts' division manages multilateral diplomacy, including for the United Nations. But I hasten to say that the colleague to my right is our chief finance officer. He keeps a very close watch on the money as well.

Senator TROOD—That is good to hear. How much did we spend in 2008-09 on this bid?

Mr Potts—We are spending \$1.9 million.

Senator TROOD—So it is about \$2 million already and we have another \$11-plus million, so we are up to about \$13 million already in forward estimates approximately.

Mr Ritchie—That is right.

Senator TROOD—But they are not the only costs that are involved in this activity, are they?

Mr Ritchie—There are a range of other activities that we engage in—all our post lobbying, for example. We have overseas visits where this issue is taken up by both the foreign minister and the Prime Minister. There are a range of areas where we pursue it and ways in which we pursue it that go beyond this.

Senator TROOD—Have you tried to quantify those costs?

Mr Ritchie—No. We have discovered in the past—and I apologise for this—that trying to quantify it for all our missions is impossible. The third secretary in Brussels goes on in and talks to the foreign ministry about a range of issues and also talks about the Security Council campaign. It is almost impossible across the whole department to provide a total for all that activity. But there is a huge amount of it going on. It is one aspect of a visit by the foreign minister overseas. To quantify the percentage of his time that was taken up with the Security Council is almost impossible.

Senator TROOD—But you agree that there is a huge amount of diplomatic effort being put into this particular bid?

Mr Ritchie—Certainly. It is a high priority for the government.

Senator TROOD—Are you saying to the committee that the best you can do is point us to the outlays that are in the budget papers, which is a figure at the moment of about \$13 million, and you cannot quantify any other of the costs that are likely to be involved in securing this seat?

Mr Ritchie—That is correct. They are the funds that are dedicated to the particular Security Council campaign. But, as I have already mentioned, there is a very wide range of activity beyond that that we just do in the normal course of our duties in terms of representing Australian interests and putting our policy positions. To put a figure on all of that is very difficult indeed.

Senator TROOD—You have \$4.8 million in 2009-10 and \$5.7 million in 2010-11. What specifically are those funds for?

Mr Potts—I think I can assist you. First of all, it provides ongoing funding for the Security Council task force in the department.

Senator TROOD—How big is that?

Mr Potts—I think there are five at the moment.

Mr Wise—Six staff are associated with the Security Council task force. Of course, there is Mr Potts himself and the international organisations branch in his division also help with that work.

Senator TROOD—It is not just six staff, is it, Mr Potts?

Mr Potts—No. It supplements our staffing profile in New York.

Senator TROOD—How many people have been added to our mission in New York as a result for the need to pursue this seat?

Mr Potts—We are in the process of having two FTEs locally engaged.

Mr Wise—We have put in two additional locally engaged staff.

Senator TROOD—To the embassy in New York?

Mr Wise—That is right—to the mission.

Mr Potts—We are providing additional travel funding for our mission in New York and a number of smaller posts with multiple accreditations. We are providing funding for some short-term missions abroad by Canberra based personnel.

Senator TROOD—Is someone specifically designated to undertake those missions?

Mr Potts—No, it is a variety of officers, but we—

Mr Ritchie—For that specific purpose. That money is specifically designated for Security Council purposes.

Senator TROOD—How much is that funding?

Mr Potts—I can do it retrospectively, but not for the coming financial year. I can say that there were 11 short-term missions undertaken in 2008-09 to support posts in their lobbying activities and that the total cost was about \$182,000. These were typically to small missions where some backfilling was needed so that the head of mission could get out to other countries of accreditation more frequently.

Mr Ritchie—For example, in the Caribbean or Mexico City, which has a very wide range of accreditations. The ambassador has to travel quite a bit to get out.

Senator TROOD—Do you intend to conduct further short-term missions of that kind?

Mr Potts—Yes, indeed.

Senator TROOD—All right. Is there anything else Mr Potts?

Mr Potts—We are looking to produce public affairs materials to support our campaign, particularly in the various languages of the UN. We are also looking at a further development of the database. The database—

Senator TROOD—How much have you spent on the publications?

Mr Potts—In 2008-09 we spent about \$24,000 on a campaign brochure and a brochure on Australia's contribution to international human rights.

Senator TROOD—A campaign brochure? What exactly is that?

Mr Potts—It is a small, three-ply prospectus, if you like, about the rationale for Australia standing for the Security Council.

Senator TROOD—What do you do with this document?

Mr Potts—It is the sort of document that we can leave with people as we lobby, make available at receptions et cetera. It is very much a sort of self-diplomatic tool.

Senator TROOD—It is in several languages, is it?

Mr Potts—Not yet; it will be. It is in English at the moment.

Senator TROOD—What is the plan for this document?

Mr Potts—To translate it and, I think, some other documents into the six official languages.

Senator TROOD—Did the Governor-General take this into Africa with her?

Mr Potts—I do not know.

Mr Ritchie—I would be surprised if the staff from DFAT who accompanied her it did not have it with them, but I am not sure whether the Governor-General did.

Senator TROOD—Did you say that you have already spent \$24,000 on the document, Mr Potts?

Mr Potts—That is correct, on two documents—that one and another one on international human rights, which was also contributing to our campaign.

Senator TROOD—You are going to distribute that through Africa, are you?

Mr Potts—My colleague Mr Blazey draws my attention to the fact that the cost is about \$28,000 for the two publications.

Senator TROOD—What is the projected budget for the publications, Mr Blazey?

Mr Blazey—We have not yet done a specific allocation of resources for the next two years. I should say, though, that we would be somewhat reluctant to give specific breakdowns because once our competitors have an exact breakdown of how we are spending our money they, in effect, also have our strategy. So we need to be just a little bit cautious about saying publicly what we intend to spend.

Senator TROOD—Are our competitors pursuing the publication strategy, Mr Blazey?

Mr Blazey—Yes. It is quite a standard campaign method to produce brochures, publications, booklets, websites and so on to make sure people understand what our strengths are and what our claims are going to be when we get onto the council.

Senator TROOD—The activities one engages in as lobbying efforts are fairly standard in international affairs, aren't they: publications, websites, diplomatic visits, using governors-general and all that sort of thing?

Mr Blazey—Yes, that is right.

Mr Ritchie—But only as an incidental part of her visit.

Senator TROOD—Thank you for drawing that to my attention, Mr Ritchie. Did you finish your list, Mr Potts?

Mr Potts—Not completely. We are looking also to further develop the database we maintain in DFAT to support the management of the campaign. The database essentially records all interaction that Australian ministers and officials have with their colleagues, reports reactions, maintains a sort of running score on how well we are doing.

Senator TROOD—Have you got a cost for that?

Mr Blazey—In the year to date we have spent \$21,000 on the database and we have allocated \$10,000 for improvements to our general UN candidacies database.

Senator TROOD—Are there further things on your list?

Mr Potts—We have supported travel and representation by a number of our smaller posts. These tend to be in Africa, Mexico City again, which has multiple accreditations, Port of Spain and some Latin American posts. Activities undertaken by these posts have included additional travel to the countries of accreditation. The expenditure at the moment is about \$165,000 and tracking upwards slightly.

Senator TROOD—And?

Mr Potts—That has essentially been it, I think, over 2008-09.

Senator TROOD—Does that amount to \$1.9 million? My maths is not terribly reliable, I have to say, but just doing a quick computation we seem to be well short of—

Mr Ritchie—The six staff, the actual UN taskforce, the salaries—

Senator TROOD—Is that the greater part?

Mr Ritchie—That would be a substantial part of it. It is six, including an SES band 1 officer. It is quite a substantial amount.

Senator TROOD—The cost of the six staff must be in the vicinity of one point something million dollars. Is that right?

Ms Thorpe—I only got 1.9. We are talking about 2008-09 spend?

Senator TROOD—That is what I understand Mr Potts was providing me with: the details of the money that had been spent already. As I understood it, he was projecting a continuation of that kind of expenditure into the out-years. Is that right?

Mr Potts—There will be a significant ramping-up. The \$1.9 million was, if you like, a campaign base and we want to build on that now in the two out-years for which funding has been provided.

Senator TROOD—I understood that. So you have given me the figures for expenditure for this year. Do you have the cost of the staff figures, Ms Thorpe?

Ms Thorpe—They are about just over \$1 million. When you think about it, you have got six staff—

Mr Ritchie—Six full-time staff, including an SES officer, who does nothing else but—

Senator TROOD—I see that.

Mr Potts—And LES in New York already.

Mr Wise—Yes, local staff in New York.

Senator TROOD—Let us say that all this 1.9 is fully accounted for in 2008-09. That is in the vicinity of \$2 million. But you have got a figure of 4.8 and 5.7 in the successive years. What is it you are going to do to spend that much more money over the out-years, this year and the next year?

Mr Potts—The starting point is that we are going to be a great deal more active. We will be looking to some new activities as well. As Mr Blazey has already mentioned, we have not yet done a detailed breakdown of what we are going to use the new money on. We have got a fair idea already but we are waiting for final decisions from the senior executive and we will then have proposals for them on the break-up of the expenditure over the next financial year. We have put proposals to them, which they will be looking at.

Senator TROOD—So there will be more of all of these things apart, perhaps, from the money that needs to be expended on the database. There will be more short-term visits and more publications?

Mr Potts—Yes.

Senator TROOD—And more travel?

Mr Potts—Yes, a lot more.

Senator TROOD—The staff will remain essentially the same? You are not anticipating increasing the number of staff—is that right?

Mr Potts—No.

Senator TROOD—So if we allow a bit of increase for inflation et cetera and cost of living increases, the staff is going to be somewhere around about a million throughout these three years—is that right?

Ms Thorpe—For two years. That is correct.

Senator TROOD—So most of the money is going to be spent on these other activities—

Mr Ritchie—We have got a task force of six, but if we do need to ramp it up, we will. We will have the money to do that.

Senator TROOD—In relation to these short-term visits, Mr Blazey, is that something you are doing as the head of the task force? Are you the representative of the government's interests primarily in relation to this?

Mr Blazey—Most of the short-term mission are support staff. They are officers attending multilateral meetings or supporting posts to enable the head of mission to be released to do work in countries where they are accredited but not resident. I have done one trip, but it is a variety of officers who undertake this travel.

Senator TROOD—From here in Canberra or from their posts essentially?

Mr Blazey—It does vary. Some staff do come from Canberra. We look at the most cost-effective way of assisting posts. So if there are officers, for example, on leave without pay in the region, we might use those officers. There is a mix of approaches. There is not just a single way in which we staff the short-term missions.

Senator TROOD—So from missions everywhere, presumably, and from Canberra based staff including yourself, Mr Blazey—is that correct?

Mr Blazey—That is right.

Senator TROOD—Do you have a plan of travel established as yet for you personally?

Mr Blazey—Not for me personally. We are very keen to be represented at major multilateral meetings. That is a priority. For example, the UNGA in New York would be something that we would want to attend. If there is a major meeting of the Non-aligned Movement or the African Union, it is important that Australia be represented there to make our case as best we can. But in addition, obviously, we want posts to travel as frequently as possible to countries of accreditation. Many of them are small posts and they have quite a few countries. Port of Spain, for example, has about 14 countries accredited to one post so there is a lot of travel involved and the funding we provide enables them to do that.

Senator TROOD—As Mr Ritchie has said, you are putting an enormous amount of energy into this Security Council seat bid—is that right?

Mr Blazey—Yes, indeed, it is a very high priority.

Senator TROOD—In fact it is such a high priority that most of the department's energies, it would seem, are being directed to securing the seat. How many other things are in the very high-priority list?

Mr Ritchie—There are a very large number of things in the very high-priority list. But the government has identified strengthening our engagement with the multilateral system as one of the three key focuses of its foreign policy and securing a seat on the Security Council is a substantial part of that. I mentioned earlier that having been given that task we provide advice on how to be successful, and some of the funding and other arrangements you are hearing about now reflect that advice in terms of being activist. I can assure you that our two competitors are being not only as active, but possibly even more active than we are.

But across the department we are taking forward, as you know, a huge range of other issues as well. All it is is that, for many of our posts, achieving or making representations with regard to achieving a seat on the Security Council is one of a number of things that they have to make significant representations on. It is just a fundamental part of their policy work. Six staff is not 'consuming the resources' of the department. Everyone is involved in some small way with that.

Senator TROOD—But in fact everybody in all of our missions understands the high priority that has been given to this issue.

Mr Ritchie—That is absolutely right.

Senator TROOD—Consistent with that, I assume it is expected that every opportunity will be seized to promote Australia's activities.

Mr Ritchie—That is right. If we wish to gain a seat certainly we want to be very activist and not leave any stone unturned.

Senator TROOD—It looks to me, Mr Ritchie, as though there is so much energy being put into this that it is essentially overturning the priorities of the department.

Mr Ritchie—Not at all, Senator, no.

Senator TROOD—The department has become focused on securing this Security Council seat—completely focused. It is a very high priority.

Mr Ritchie—No. We have a number of very high priorities, and the priorities are set for us by the government. That is a priority that we have along with any number of other things that we have mentioned today—enhancing Pacific engagement, terrorism, nuclear non-proliferation or any of the things we have mentioned here. We are engaged in a whole bunch of things at the moment.

Senator TROOD—But the Prime Minister has said this is important, hasn't he?

Mr Ritchie—It is important.

Senator Faulkner—It is important, Senator.

Senator TROOD—And he has said, 'I want you to focus all of your energies on this activity', hasn't he?

Mr Ritchie—No.

Senator Faulkner—It is true, as you know, that Australia is a strong supporter of the United Nations. It is true that the government has indicated clearly that we want to engage more in it and with it, and it is also true that so many other priority issues are being canvassed—the sorts of global problems and issues that we canvass at this committee such as terrorism, the financial crisis, climate change, people-smuggling. These sorts of issues, as you know, Senator, and committee members know, are best addressed—some perhaps can only be addressed—by engaging with other nations in multilateral or regional fora, and of course the United Nations is perhaps the best example of that. So this underpins our strong support for the UN and I think makes a strong case and justification for us running for the United Nations Security Council. That is not to suggest there are not, as you have heard, a range of other priorities. I think it is best for us to understand that broad context.

Senator TROOD—I am grateful for the context. What I have heard this morning is that huge resources and energy are being directed to this activity in a department that is already severely strapped for resources in the context of a \$300 billion debt. It is a matter of priorities, isn't it?

Senator Faulkner—Yes, of course. You use the terminology—

Senator TROOD—The government has decided to put \$11 million at the very least into a priority which, on some of the information we have received this morning, ought not be a high priority. This seems to be to be about the Prime Minister's vanity.

Senator Faulkner—You are wrong about that.

Senator TROOD—It seems to be about the Prime Minister's vanity personally or the satisfaction that he might get from being the Prime Minister of a country that has a seat on the Security Council rather than there being any clear and demonstrable advantage to the national interest.

Senator Faulkner—You are quite wrong about that, and I think you know that that is the case. The government believes, the Prime Minister believes, the foreign minister believes, that serving on the United Nations Security Council will allow Australia to shape global responses to our greatest security challenges, and it would do so in ways which serve our national interest and of course promote our own Australian values of interest. But it is also true to

say—and I think most acknowledge this—that any modern campaign for the United Nations Security Council by its nature and definition is highly competitive. Of course it needs to be resourced appropriately. As you have heard today, there is some \$11 million of funding being provided in the budget over two years which will enable the sorts of campaign activities that have been outlined to you. I think the figure that we have heard in evidence is \$1.9 million for financial year 2008-09. That of course enables those sorts of campaign activities to take place. So, yes, it is a high priority, and the reasons for that are as I have outlined.

Mr Ritchie—In terms of what the department is working on, pages 28 to 31 of the portfolio budget statement will give you a list of 29 particular points, one of which is gaining election to the Security Council.

Senator TROOD—I do not doubt that the department is continuing its other activities. The question, really, is how well it is able to do that in light of the fact that the place is being turned upside down to pursue a seat on the Security Council.

Senator Faulkner—You have been told, but let me say again, just so we do not have the editorial comment stand, that there is no suggestion from anyone on this side of the table—and as far as I am aware there is only a suggestion from you, and I suspect it is only made as an editorial comment—that, ‘The place is being turned upside down.’ That is not true. I believe you know it is not true. And we have tried to provide evidence to try and provide some appropriate perspective to what is obviously a high-priority foreign policy objective, which is our United Nations Security Council candidacy.

Senator TROOD—Thank you, Minister. I think Mr Ritchie’s evidence is that it is very high priority. I think from what we have heard from other officers this morning it is clear that a huge amount of resources and time is being spent on this activity and they are claiming financial resources which, although allocated through the budget, might well be used to pursue other interests that we have, however. Ms Stokes, in relation to the Governor-General’s trip to Africa, did you ask the Governor-General to raise the Security Council bid question on her travels?

Ms Stokes—We briefed the Governor-General, both in writing and orally, about the campaign and the candidacy, as I mentioned in my earlier comments. Our advice to the Governor-General was that, in her discussions with her counterparts, she would inform them about the Australian government’s commitment to enhancing relations with Africa. We also recommended that she underline the Australia government’s commitment to multilateral diplomacy and multilateral engagement, including through the United Nations, and to note that this was reflected in our UN candidacy.

Senator TROOD—And she did that on each of the stops that she made through Africa, did she?

Ms Stokes—It varied from country to country. In some cases the counterparts raised the matter themselves and in some cases the Governor-General expressed appreciation for that country’s support, where that was already given.

Senator TROOD—Did an officer of the department accompany the Governor-General on her trip?

Ms Stokes—Not from DFAT in Canberra. But of course our missions were very closely involved in supporting the visit.

Senator TROOD—So was the Governor-General accompanied at all stages during her travels by an official from the department?

Ms Stokes—I could not guarantee that for every minute of the trip—

Senator TROOD—Well—I would be surprised by that myself!

Ms Stokes—but certainly, as we would expect for a high level visit like this, our head of mission would be very closely associated with it and supporting the Governor-General throughout.

Senator Faulkner—You would appreciate, as I mentioned a little earlier to Senator Ferguson, Senator Trood, that the official secretary of the Governor-General gave some detailed evidence when the Office of the Official Secretary to the Governor-General was before the Finance and Public Administration estimates about some of the detail that you have just asked the official at the table. That may be of assistance to you. I know you are aware of that evidence.

Senator TROOD—I am aware of that evidence. Has the department been debriefed since the Governor-General returned, Ms Stokes?

Ms Stokes—What the department has, of course, are the reports from our posts about the visit. So we have quite comprehensive reporting about the visit in each country.

Senator TROOD—So an officer of the department has not been to speak to the Governor-General about the impressions she has from her trip or to ask her whether she would be good enough to provide a personal account of how she felt the discussions went during her travels?

Ms Stokes—We have not asked for that. We have, as is usually the case, these quite comprehensive reporting cables from each of our posts in relation to each one of the visits. So, as would be quite normal, we already have a very good sense of the visit and how it went.

Senator TROOD—But Mr Ritchie has just told me, at least in relation to the Security Council seat, that this is a very high priority. Wouldn't you want to know, in first-hand detail, the Governor-General's impressions of the visit—at least insofar as it related to this issue?

Mr Ritchie—We do know, because our high commissioners and other DFAT staff were with her for her various meetings and so forth. So we already do know what her views were.

Senator TROOD—I am sure you do have a full account from officers, and I know they are very competent, in the field, and I know they provide very detailed accounts of meetings and memoranda of conversations and all that sort of thing, but it seems to me that there is nothing like talking to the person who was actually involved in the proceedings. Has it not occurred to anybody that one might seek an audience with the Governor-General to speak to her about her impressions?

Mr Ritchie—No, I do not think we feel it is necessary. As I mentioned earlier on, the Security Council aspect was just a small part of her visit. We had departmental staff with her wherever she went in Africa. We have had good reporting from them on what transpired in her meetings and, no doubt, any comments that she made about her impressions and so forth.

Again that is something that we would need to ask Government House but, from our point of view, we have all the information that we need and we have not thought it necessary to seek such a meeting.

Senator TROOD—So you have not sought a meeting with the Governor-General?

Mr Ritchie—No.

Senator TROOD—Has the minister spoken to her about it?

Mr Ritchie—Not that I am aware of, no.

Senator TROOD—So nobody has spoken to her about it since she returned?

Ms Stokes—I was at a function at Government House on, I believe, last Thursday. It was not to seek a readout from the Governor-General on the visit, but the Governor-General did comment on the visit. However, I do not recall that the Security Council campaign was discussed in the course of that conversation.

Senator TROOD—Well, that would hardly be the kind of useful briefing that might be expected to follow this occasion, would it, Ms Stokes? A transient meeting at a social function is not what I had in mind.

Mr Ritchie—As I said, Senator, we already have very comprehensive instructional reporting from all our heads of missions in the area. I think that we feel we have all the feedback we need.

Senator TROOD—I see. There is a figure of \$7.7 million over four years that is being provided as aid to Africa in relation to AUSTRAC—this figure was referred to in the Senate Legal and Constitutional Affairs estimates hearings last week. Does that have to do with you, Mr Ritchie, or is that an Austrade enterprise?

Mr Ritchie—With due respect, I think that would probably need to be raised with AusAID.

Senator TROOD—So when we get to AusAID and I tell them that you have told me to ask them this question, can I take refuge in your protection?

Mr Ritchie—With pleasure. I will pass it on.

Senator TROOD—Thank you for that. I have one last question about this, Mr Ritchie. You made the point earlier that we were, as you called it, ‘underdone’ in Africa. I think that reflects, perhaps, some of the language that the minister himself might have used in relation to Africa, but you told us earlier in the day that you are not intending to open any further missions in Africa. If we are underdone, one interpretation of being underdone is that we do not have enough representation in Africa and that we could do with wider representation, perhaps through opening missions in places where we do not have them. But that is not what you intend. Is that right?

Mr Ritchie—No, that is not what we intend to do at the moment, particularly with the funding we have been provided. Missions are a very expensive item, of course. There is a large number of other ways we can enhance the relationship with Africa. I have already mentioned that, as part of the funding we were given for regional resourcing of our effort, we will probably strengthen some of the existing missions in Africa. We might also look at

creative ways through which we can improve our relationship with the African Union based in Addis Ababa, including attending more of their meetings. I am sure my colleagues from AusAID will be happy to talk to you about proposals to strengthen the aid program for Africa. More high-level visits would be another way. There is a very large number of ways we can skin this cat.

Ms Stokes—We have expanded the number of African countries with which we have relations. Last year we established diplomatic relations with Burkina Faso and Liberia. On 7 May we had signing ceremonies in New York for the establishment of diplomatic relations with Niger and the Republic of Congo. So we now have diplomatic relations with 45 of the 53 countries in Africa, and our hope is to add to that number in the period ahead.

Senator TROOD—How many do we have: 45 of the 53?

Ms Stokes—Yes, currently.

Senator TROOD—But we have seven missions there. Is that right?

Mr Ritchie—That is correct, Senator.

Senator TROOD—So we have established diplomatic relations but have not established new missions, Ms Stokes. Does this mean that the posts are going to have multiple representational responsibility?

Ms Stokes—Accreditations, yes.

Senator TROOD—So that we can be clear, perhaps you would be good enough to take on notice the question as to which of the missions that are already there are assuming additional responsibilities as a consequence of the establishment of these diplomatic relations?

Ms Stokes—Yes.

Senator TROOD—A consolidated list from Africa would be helpful.

Ms Stokes—Yes, certainly.

Senator TROOD—The missions that were closed by the Hawke government in Africa are not going to be opened again, Mr Ritchie?

Mr Ritchie—Not at the moment, no.

Senator Faulkner—Just as some further information—you asked about any contact the Governor-General had with the Minister for Foreign Affairs. I am aware that on the Governor-General's return to Australia she met the Minister for Foreign Affairs, Mr Smith, at Perth airport—as you know, the Minister for Foreign Affairs is the member for Perth. I understand that they did have a discussion about the Governor-General's visit to Africa, in particular the contribution that the Governor-General had made to strengthening Australia's engagement with Africa. I know you had a more directed question but I wanted to make sure that you were aware of that. It is at least tangentially, if you like, related to the question you asked us. I just want the record to be complete.

Senator TROOD—As usual, I appreciate your additions to the record. Thank you.

Senator JOHNSTON—Mr Ritchie, you said that there were high commission and other departmental staff accompanying the Governor-General. Were the departmental staff officers from Australia or were they already in Africa?

Mr Ritchie—Nobody accompanied the Governor-General from DFAT in Canberra.

Senator JOHNSTON—Were there any staff assigned to Africa for the visit by the Governor-General?

Mr Ritchie—I can quickly run through the staff that were deployed, if that is of use to you.

Senator JOHNSTON—Sure.

Mr Ritchie—Bear in mind particularly that a number of these countries are places where we do not have resident representations and we had to send people to them. The post in Mauritius has two A-based staff and we use two part-time locally engaged staff there. We have a High Commission in Mauritius as well. In Namibia, where we are not represented, there were three A-based staff from the High Commission in Pretoria and one locally engaged staff member from Pretoria. In Zambia, where we are also not represented, there were three A-based staff from Harare, including a couple from Pretoria. These are not all DFAT staff, there were one or two AusAID staff who went with this. And there were four LES staff from Harare, including one AusAID LES.

In Botswana, where we are not represented, there were three A-based staff, which also included one AusAID officer and one Pretoria LES. In Mozambique there were three A-based staff and two locally engaged staff from Pretoria. Again, one of the Australia-based staff was from AusAID. In South Africa we used three of our A-based staff and four of our locally engaged staff. In Ethiopia, where we are not represented, there were five A-based staff from Nairobi. That included AusAID staff and two locally engaged staff from Nairobi. In Kenya there were the staff at the High Commission, obviously, and locally engaged staff at the High Commission assisted. In Tanzania, where we are not represented, we had five A-based staff—which also included AusAID—and one locally engaged staff member. And in Seychelles, on the final leg, there were two of our A-based staff and one locally engaged staff member from Port Louis.

Mr JOHNSON—So, if I am right in recording those numbers, broadly speaking—and we will approximate it to a degree—I have about 33 or 34 Australian based staff going to Africa for this trip.

Mr Ritchie—No. There are two things to be said about that. The first is that a number of these visits had the same staff, so 33 would be not only double counting but in many cases quadruple counting.

Mr JOHNSON—All I want to know is how many people from Australia—

Mr Ritchie—Nobody from Australia. I already mentioned that. Second, we are not represented in these places, so people went to them. The figures I have given you are not just DFAT staff; they are AusAID staff as well.

Mr JOHNSON—So all of these people that you have just mentioned were already in Africa?

Mr Ritchie—Yes. Nobody came from Australia

Mr JOHNSON—They left their various missions to go to these countries.

Mr Ritchie—Indeed. I am sorry. I am told that there were people we provided from Australia to assist the Governor-General but nobody travelled with the Governor-General.

Mr JOHNSON—That is what I want to know. How many people did we provide to the Governor-General to assist her, notwithstanding they did not travel with her?

Ms Stokes—I think we have to take that on notice to add up the numbers.

Mr Ritchie—I think so, too. I do not have those figures with me. I do not think it was very many, because we mainly used our missions in Africa.

Mr JOHNSON—I would appreciate you taking it on notice. If possible, if we get lucky during the course of the day with respect to that, if it is at our fingertips, I would really appreciate an answer on that.

Mr Ritchie—Sure.

Senator Faulkner—We will do our best on that for you.

Mr JOHNSON—With respect to Burkina Faso and Niger, what sort of economic and cultural attachments do we have in these countries, if I may be so bold as to ask?

Mr Ritchie—I would need to ask my colleague Ms Stokes, but it is not very substantial.

Ms Stokes—I think I will have to take that on notice. I do not believe I have got a briefing here. I do not believe they would be substantial. But one of the facts that has been relevant in looking at our accreditations in Africa in recent years has been the fact that sometimes consular cases arise in countries where we do not have formal diplomatic relations. Despite that, sometimes we have been able to provide consular assistance; in other cases sometimes that has been more difficult.

Mr JOHNSON—We share consulates with other countries in Africa, don't we?

Ms Stokes—Yes, we have a consular sharing arrangement with Canada.

Mr JOHNSON—Just Canada?

Ms Stokes—I think so. I am not an expert on the consular side of things, but that is my understanding.

Mr JOHNSON—And at this point in time we have established diplomatic contact with 45 of the 53 African countries?

Ms Stokes—That is right.

Mr Ritchie—We might be able to provide that figure you are after. Looking through the figures I have here, there were three people who were deployed from Australia to strengthen local missions in handling the visits.

Mr JOHNSON—How long were they in Africa?

Mr Wise—From the information I have, one of them was there from 26 March to 1 April, another from 22 March to 28 March and another one from 1 March to 11 April.

Senator TROOD—Let me explain to the committee the usual procedure for making diplomatic appointments. My understanding is that the department is responsible for our missions overseas, it is responsible for the physical maintenance of property and services overseas and of course it is responsible for the appointments made to its missions. I assume it is also responsible for the senior appointments that are made to those missions. Perhaps you can clarify that with me.

Mr Ritchie—Certainly. In regard to heads of mission, our heads of mission are all Executive Council appointees. So the department's role in regards to filling heads of mission positions is essentially to provide a list of names or a suggested group of possible candidates for the government to consider. It is the government that makes a decision about who will and will not be heads of mission. That is a decision which I have to tell you in my 34 years of experience, including in the Prime Minister's Department, is one which is often the subject of discussion within the government before a candidate is nominated by the Foreign Minister to the Executive Council for approval. So the department's role is purely in terms of providing a list of possible candidates for the government to consider. It is then a matter for the government to make that decision. It is their decision, it is not a decision the department makes.

Senator TROOD—No. So the department typically sends a list of names for any single appointment to the Foreign Minister.

Mr Ritchie—For most appointments, but, as you will be aware, successive governments have also taken advantage of the notion of appointing people themselves, such as former Senator Vanstone in Rome or Mr Hill and many others over many years. That is a perfectly normal part of the procedure as well.

Senator TROOD—I think you told us at the last estimates that the appointment to the Holy See had been an appointment undertaken entirely by the Prime Minister. The department had no role to play in that whatever.

Mr Ritchie—There is nothing odd about that. It is perfectly normal thing.

Senator TROOD—I am just recalling that that was the evidence that you provided me with at the last estimates. So there is some diversity here. But, as you say, the typical processes for the department to gather a list of names and send them up to the Foreign Minister. The Foreign Minister I assume is the person who then takes responsibility for seeking Executive Council approval for any single appointment.

Mr Ritchie—That is correct.

Senator TROOD—Can you tell me whether or not Mr Hugh Borrowman was recommended for appointment as ambassador to Germany?

Mr Ritchie—As I mentioned, we only make a series of proposals, the secretary makes a series of proposals to the minister. It is up to the minister to select a candidate from that list. We argued the pros and cons of people. In the case of Stockholm and Berlin we also provided a list of possible candidates. Again it is entirely a matter for the government who they choose in that case.

Senator TROOD—Mr Borrowman was the head of the international division in the Prime Minister's office?

Mr Ritchie—In the Prime Minister's Department.

Senator Faulkner—Senator, in the Department of Prime Minister and Cabinet.

Senator TROOD—Thank you. He was the head of the international division. Is that right?

Mr Ritchie—Correct, Senator.

Senator TROOD—You will recall, I think, Minister, that we have evidence in Finance and Public Administration last week that he was in that position until 24 February, or at least a date in February, at which time he took long service leave. Can you confirm that, Mr Ritchie?

Mr Ritchie—I cannot confirm the date in Prime Minister and Cabinet.

Senator Faulkner—You are right to say that that issue was asked. It may even have been asked by you, Senator. The committee *Hansard* records the fact that a date was provided and it was suggested that leave ensued as you have outlined.

Senator TROOD—When an officer of the department is in another agency, as Mr Borrowman was, was his salary being paid by the Department of the Prime Minister and Cabinet?

Mr Ritchie—Yes.

Senator TROOD—You are relieved of that responsibility on a temporary basis?

Mr Ritchie—He was on temporary transfer to the Department of the Prime Minister and Cabinet.

Senator TROOD—He was on a temporary transfer?

Mr Ritchie—Yes.

Senator TROOD—The temporary nature of this transfer suggests that he was expected at some junction to return to the department.

Mr Ritchie—Indeed.

Senator TROOD—He services and talents were not lost completely to Australia's foreign service.

Mr Ritchie—Typically we have five to six people on temporary transfer to the Prime Minister's department and that has been the case for many years.

Senator TROOD—He was there until the end of February; I guess 24 February but I stand to be corrected on that. When did the position in Berlin become available? Is the existing ambassador still there, Mr Ritchie?

Mr Ritchie—Yes, indeed, Senator. The position in Berlin does not need to be filled until October this year.

Senator TROOD—Mr Kemish is there, I think.

Mr Ritchie—Mr Ian Kemish is there, that is right. It does not have to be filled until October this year but we like to give as much notice of head of mission appointments to

people as we possibly can, and the process takes a little while. There is no particular rush in this case. As I say Berlin does not fall vacant until October.

Senator TROOD—Mr Kemish is in that position until October. I assume this was a matter that took place in the usual way. That is to say that the department sent a list, or did it not on this occasion, in relation to Mr Kemish's successor?

Mr Ritchie—Yes, Senator, we provided a list.

Senator TROOD—When did you do that?

Mr Wise—From memory, I think it was in November or early December last year.

Senator TROOD—That went to the foreign minister's office?

Mr Wise—That is right.

Mr Ritchie—That would go to the foreign minister's office.

Senator TROOD—There were a number of names on this list in relation to the appointment in Berlin?

Mr Ritchie—Yes.

Mr Wise—Yes.

Senator TROOD—Was this a list that related specifically to Berlin or were there a number of omnibus appointments, that is to say there was intention to make appointments in relation to other posts as well?

Mr Wise—There were other posts as well.

Senator TROOD—Which were they, Mr Wise?

Mr Wise—I cannot remember. It was quite a long list. It was a result of a round of forthcoming appointments, which senior officers in the department had been notified of. It would be somewhere between 15 and 20 from memory. Quite a long list.

Mr Ritchie—People express interest in them and that forms part of the basis for the list of possible candidates we put up.

Senator TROOD—We are talking about heads of mission.

Mr Ritchie—That is right, all heads of mission.

Senator TROOD—Let me clarify this: are you talking about a list that had possible appointments to 15 to 20 heads of mission positions?

Mr Ritchie—Correct.

Mr Wise—Correct, Senator.

Senator TROOD—What is typical here, Mr Ritchie, two or three names, one name, five names, 20 names?

Mr Ritchie—It depends a bit on the post, Senator. Some posts have larger expressions of interest than others. It varies considerably. It could be five or six names for a particular post or it could be a wider field. It just depends on the post.

Senator TROOD—Is it the department's practice just to put on a list of this kind the names of anybody who expresses interest?

Mr Ritchie—No, Senator. I do not want to go too far down the track of advice that the department gives to the minister because that is our own issue. In such a note we will set out—or the secretary does because it is his prerogative—their claims to the position, background, previous postings, any other factors that are likely to be taken into account, anything that would help the minister in making a decision.

Senator TROOD—If an officer of the department was presumptuous enough to suggest that she or he might be appointed to an office but you felt that that officer was not quite ready for that appointment, then would you leave that person off the list or would you rank them lowly on the list?

Mr Ritchie—We would not rank them, necessarily. We might mention that the following three or four other candidates expressed an interest but we think they are not as—

Senator TROOD—So there might be a 'below the line' list, perhaps, of people who—

Mr Ritchie—Except we do not draw the line.

Senator TROOD—No, but there might be an implication that these officers have expressed interest, but perhaps are not quite suitable yet?

Mr Ritchie—Yes.

Senator FORSHAW—I am sure that all officers of the department ultimately become possible appointees to these positions.

Mr Ritchie—I would certainly like to think so, yes.

Mr Wise—Anybody who expressed an interest in a position, that person's name is reflected in the advice that goes to the minister. So the minister does know which officers of the department are interested and, on some occasions, the secretary might think that there is somebody who has not yet expressed an interest who is well suited to that post. Sometimes that person's name is also mentioned. So the minister has as comprehensive a list as possible of names of officers who might be considered suitable for the appointment.

Senator TROOD—Mr Wise, if a name was added to the list, would it be usual for the person to be asked whether or not their name could go forward?

Mr Ritchie—Certainly. We do not include them unless they are willing to have their name put forward.

Senator TROOD—So there is this omnibus list of 15 to 20 appointments—including the post in Berlin?

Mr Ritchie—That is right.

Senator TROOD—Was the post in Sweden—in Stockholm—also on this list?

Mr Ritchie—No, it was not. Quite often circumstances arise in regard to a particular head of mission—personal circumstances or other factors—which mean that they might want to leave the post early. Then, of course, we have to do it as an ad hoc thing, and we did.

Senator TROOD—The department has to be agile about these things, doesn't it?

Mr Ritchie—We try to be.

Senator TROOD—The list in relation to the Berlin appointment—how many names were on that list?

Mr Ritchie—I really could not say. I could not tell you, I am afraid.

Senator TROOD—It is not beyond your capacity to tell me, is it, Mr Ritchie?

Mr Ritchie—It is not beyond my capacity to find out, but it goes very close to personal and staffing issues. We will try to find out for you roughly how many were on that list, but typically it would be five or six.

Senator TROOD—Would you perhaps be good enough to find out how many were on that list? So the list went to the foreign minister—and that was late last year?

Mr Wise—Yes, I cannot remember. It was November or December.

Senator TROOD—November or December—that is a space of 60 days. Perhaps you could narrow that down for me, Mr Wise?

Mr Wise—It was either late November or early December. I cannot remember which.

Senator TROOD—Would you perhaps be good enough to locate a date for me? When we come up to the luncheon break, perhaps it would be possible for you to do that.

I take it Mr Borrowman's name was on this list with regard to Berlin. Is that correct, Mr Ritchie?

Mr Ritchie—I do not really want to talk about who was on the short list. It really does go to personal staffing matters. Also, it is confidential advice we provide to the minister, so I feel not at liberty to say.

Senator TROOD—Let us assume that perhaps his name may have been on the list—and, given the public discussion of this matter, it seems a fair bet that at some stage Mr Borrowman's name was on some list—and that it was before the foreign minister and that the foreign minister recommended his appointment to the position of ambassador in Berlin. Is that correct?

Senator Faulkner—With respect, Senator, you know that is just a whole series of assumptions that you have made and then, at the end of it, you have just tacked on a question—'Is that correct?' I think you understand the difficulty with asking a question like that.

Mr Ritchie—In fact, the minister only makes a formal recommendation to Executive Council. There is a period during which he makes up his mind about which candidate to select. He consults as necessary and, in the end, he will determine who he wants to recommend to Executive Council and does so.

Senator TROOD—Well, I am sure there is some mysterious process that takes place in the minister's office, and perhaps in the ministerial mind, as to whose names should—

Senator Faulkner—It is not that mysterious. It is a pretty longstanding practice. It may be mysterious to some, but it has been longstanding practice for government.

Mr Ritchie—Certainly, for all of my time it has been the practice.

Senator TROOD—Gentleman, we are not getting any greater insight as to how this matter was resolved, on the basis of the discussion we are having right here. At the moment, it is rather mysterious to me because you are reluctant to give me any information about it.

Senator Faulkner—There are two separate issues there. You are saying this particular issue is mysterious, and I think officials actually have been trying to help you as much as they can on that. I think the broader point was made that the current approach to appointments to ambassadorial or heads of mission positions, under the current government, in fact follows what I understand—particularly given that I have sat on the other side of the table and asked questions about this over the years—to be a longstanding practice of governments. And Mr Ritchie has been able to confirm that for his period in the Department of Foreign Affairs and Trade. It is also true, of course, that the foreign minister makes recommendations about appointments to the Governor-General in Executive Council, as you have heard.

Senator TROOD—There has been, as you will recognise or know, considerable discussion about this in the media in the last week or 10 days. And as far as I can see, there is nowhere in the media, on this discussion, where there has been any denial of the fact that Mr Borrowman's name was put forward as ambassador to Germany.

Mr Ritchie—I am not denying that or agreeing to it.

Senator Faulkner—I would not agree with being either a denial or a confirmation.

Mr Ritchie—I am simply saying that it is confidential advice to the minister.

Senator Faulkner—It is a fact that there has been no confirmation, to my knowledge, in the media or a denial. I think that is true.

Senator TROOD—One would have thought that a government concerned about some of the reflections that have been cast upon its decision making on this matter might, if it had been incorrect, be very agitated and be very energetic in making sure there was a denial of a factual error. And there has not been, has there? Neither the Prime Minister or Mr Smith, or anybody on their respective behalves, have said, 'Mr Borrowman's name was not offered as a possibility for the head of mission in Berlin.'

Senator Faulkner—I am not sure whether any comment of that nature has been made. I suspect it has not. But we obviously need to check the record in relation to the public statements that the Prime Minister and the Minister for Foreign Affairs have made on this matter. What I believe I have certainly heard is a very clear view expressed that Mr Borrowman will make a very good ambassador to the important European Union post he has been appointed to. I believe I have seen that.

Senator TROOD—I have seen that.

Senator Faulkner—I am always reluctant to go on memory here, but I was very confident I had read that in a number of places.

Senator TROOD—You will not be surprised to learn that I have examined the public record quite closely.

Senator Faulkner—Yes, I am sure you have; more closely than me, I suspect—on this matter.

Senator TROOD—On this matter, that is possible. And there may be issues upon which you have examined the public record rather more thoroughly than I have, but at least on this matter—

Senator Faulkner—Sure. I accept that. I indicated earlier—

Senator TROOD—Perhaps you can accept my assurance.

Senator Faulkner—I do.

Senator TROOD—I have looked at the public record quite closely and perhaps you can accept my assurance that nowhere on the public record does there appear any kind of denial that Mr Borrowman's name was proposed as the new ambassador to Germany.

Senator Faulkner—I do accept what you say. I have just been handed a copy of the transcript of the minister, Mr Smith, when he said on 25 May:

I don't comment on appointments that we made other than to announce who the appointed diplomat is. And that follows longstanding government practice in Australia and elsewhere. Secondly, I don't respond to rumour or speculation. I have announced an appointment of one of our senior officers to Sweden - Hugh Borrowman. He's a very good officer. He'll be a very good ambassador to Sweden. Sweden's an important post for us. From 1 July Sweden chairs the European Union. And we have tried to make much more of our modern engagement with Europe and the European Union through our Australia European Union partnership framework.

I think that reflects the sort of comments I made a little earlier but also reinforces the point about the fact that, beyond the announcement, these issues are not speculated upon publicly.

Senator TROOD—I think if there is any common ground on this matter it is that Mr Borrowman is an admirable officer of the department. He is an experienced, intelligent, diplomatically accomplished officer who does nothing other than bring lustre to Australia's foreign service. Everybody I have spoken to tells me that is the case.

Senator Faulkner—That is certainly my experience.

Senator TROOD—If the minister is prepared to acknowledge his capabilities in Stockholm then, by extension, I suspect he could have been equally capable in Berlin, given those particular qualities. However, let us proceed. Mr Ritchie, my understanding is that appointments to heads of mission are not necessarily officers of the same status or standing within the department and that that reflects the reality that all posts have a designation as to the level at which the appointment is made and there is considerable variation across the service as to the expectations of an officer. In other words—and I do not mean this as a reflection on any officer, of course—the person you would send as ambassador to Port Moresby might not be the same person that you were to stand as ambassador to Tokyo, for example. Would that be a fair statement?

Senator Faulkner—That is your statement, Senator.

Senator TROOD—I mean this just in terms of designation.

Mr Ritchie—I understand. Actually, Port Moresby is one of our most important posts. We quite often send a very senior officer. In fact, the current incumbent in Port Moresby, Chris Moraitis, is an SES band 2 member. It is a very large post. But, in the broad, that is correct. Some of our very small posts in the Pacific, for example, are generally filled by officers at a

more junior level. But it is entirely open to the minister to decide to send different levels of officers to wherever he wishes. We have variously had people, for example, at a deputy secretary level who have been posted to Thailand, Brussels or Singapore. We have also had first assistant secretary SES band 2 officers in those posts. It can vary. Occasionally we will have an SES band 1 officer in a post succeeded by someone more junior. It really can be varied quite substantially by the minister.

Senator Faulkner—I would just add to that, because this was canvassed a little earlier at the committee hearing today, that not all appointments are internal, as you would appreciate, and we need to take account of that. At this hearing today there have been three names mentioned, and we could mention more. Ambassadors Hill, Vanstone and Fisher would fall, for example, into that category. Just for the completeness of the record, I think we should also acknowledge that that is the case as well.

Senator TROOD—I think the point is that the department has designations for these heads of mission positions. Is that not correct? Sure, exceptions are made on occasions, depending on the circumstances, but generally speaking, the department classifies heads of mission positions as being of a particular level or suitable for officers at a particular level in their career. Is that right?

Mr Ritchie—I can maybe assist a bit. There is no absolute, hard and fixed rule. When we advertise or call for expressions of interest in head of mission positions, we would generally say, 'These series of posts are generally filled at the following couple of levels,' or whatever. But there is absolutely nothing to stop the minister from picking a very good candidate and posting somebody somewhere.

Senator TROOD—No. But you have general expectations, shall we put it that way, that these are the levels at which people are appointed to particular positions. That is not an unreasonable—

Mr Ritchie—In broad terms.

Senator TROOD—In broad terms, yes. I acknowledge that exceptions can be made in particular circumstances, but generally speaking, that is the situation. Is that right?

Mr Ritchie—That is right, but they do vary quite a bit in particular posts.

Senator TROOD—I acknowledge that there is variation. We have—what—90 posts abroad, approximately?

Mr Ritchie—91.

Senator TROOD—Ninety-one posts abroad. I am not surprised that there would be some variation amongst those posts. Generally speaking, what is written down, if it is indeed written down, about the post in Berlin—as to the seniority of the officer that would normally be sent there? Does it have a classification?

Mr Ritchie—No. It has been variously filled over a long period of time by people at the SES Band 3 level or people at the SES Band 2 level—either of those levels. And different heads of mission have been at both of those levels.

Senator TROOD—Is that the highest level of possible appointment or do you have posts that are designated for officers in a more senior position?

Mr Ritchie—We have posts which are larger and more complex in areas of direct importance to Australia—Japan, China, Indonesia, the United States. But they probably generally tend to be filled at the upper level—the Band 3 level.

Senator TROOD—At SES 2 or 3, or higher?

Mr Ritchie—Not higher. Though, occasionally, for example, in those posts—particularly in London and in Washington—we have had quite a number of political appointments. We have had people who are former secretaries of departments. It can be a range of things.

Senator TROOD—I assume that all of the political appointments are immediately classified at the highest levels.

Mr Ritchie—I am afraid that is not the case. It depends on the post.

Senator TROOD—Is that right? It is a disappointment for those who might be looking for a career in the future. So Berlin is nominally SES Band 2 or 3?

Mr Ritchie—Generally speaking.

Senator TROOD—And what is Beijing?

Mr Ritchie—Beijing has generally been filled at the SES Band 3 level, but we have had other people. Professor Garnaut was posted there as ambassador. David Irvine, who is now Director-General of ASIO, went there as a Band 2 officer. For example, when we advertise for Tokyo at some point, we would also consider expressions of interest from SES Band 2 officers, as well as Band 3 officers. It just depends.

Senator TROOD—And when you were in Jakarta?

Mr Ritchie—When I was in Jakarta I was a Band 3 officer. Generally speaking, there have had Band 3 officers in Jakarta. It is our biggest overseas embassy.

Senator TROOD—These are the most important of our posts abroad, would you agree?

Mr Ritchie—Yes. Although, as I say, it is totally open to the minister to say, ‘Well, I have an operational reason to send a Band 3 to wherever,’ and it will happen.

Senator TROOD—I appreciate the qualifications that you are providing, but I am trying to get a picture of the way the department approaches this issue.

Mr Ritchie—That is broadly right.

Senator TROOD—The picture that seems to be emerging is that there are some posts that are—I use the word ‘designation’ but that may not be the word you would use—

Mr Ritchie—It is looser than that.

Senator TROOD—There may be a parlance that I am not familiar with within the service that better describes it, but I am using ‘designation’. Some posts have designations of SES 2/3 and Berlin is one of them. What other posts have that kind of—

Mr Ritchie—A very large number of posts—all of our major posts. We have sent band 2 officers to lots of other places. I could not give you the precise number because it varies. We

have SES band 2 officers in virtually every Asian country, except in the very small ones. In many other parts of the world we have SES band 2 officers. It is a very normal thing; it is a normal sort of level. Quite a number of our European posts have band 2 officers.

Senator TROOD—Are these designations regularly reconsidered or have these designations, as I choose to call them, been in place for quite some period?

Mr Ritchie—It operates, as I said, within a flexible band. I think it is also partly a case of have a look at the field, have a look at the talents, have a look at what is required at the time and a whole range of other things—personal circumstances, other issues—and that will be taken into account. It might mean, for example, that a particularly qualified band 2 officer might go to a post that had previously been filled by a band 3 or vice versa. It just depends on the particular circumstances.

Senator TROOD—The post in Berlin is, as you have said, an important post. How many staff are in Berlin? How big is the mission there?

Mr Wise—We normally go by region.

Senator TROOD—I am sure you do, but I am sure you can disaggregate the various posts from your region. I am sure you can determine for me how many officers, locally engaged and A-based, are in Berlin. I do not want you to disaggregate that number; I just want to know how many people are in the mission.

Mr Wise—Certainly, we can do that. We can give you A-based and locally engaged combined.

Mr Ritchie—I do not have the figure with me.

Senator TROOD—Perhaps you can find that out for me?

Mr Ritchie—Certainly.

Senator TROOD—I would like to know how many staff are in the Berlin mission. You can disaggregate them if you choose to do so, but I just want the number of staff. Can you also tell me whether or not that figure has been more or less stable over the last, say, five years or so? Has there been any significant change in the numbers of staff in the Berlin post during that time? Can you do that?

Mr Wise—Yes.

Senator TROOD—Mr Kemish is in Berlin at the moment?

Mr Wise—Yes.

Senator TROOD—I think you said he is coming out in October.

Mr Ritchie—That is right.

Senator TROOD—What level is Mr Kemish?

Mr Ritchie—He is an SES band 2 officer.

Senator TROOD—I am not sure whether this applies; it perhaps does. Mr Borrowman is an SES—

Mr Ritchie—SES band 2 officer.

Senator TROOD—So there is an equivalence between them?

Mr Ritchie—Yes.

Senator TROOD—In the nomination which has not been denied but which will not be conceded, there is an equivalence between the possibility that Mr Borrowman might have gone to Berlin and the existing officer who is there—

Mr Ritchie—They are the same rank.

Senator TROOD—In fact, it is even more curious in that sense that they have both been heads of the International Division and that Mr Kemish was in fact the head of the International Division—

Mr Ritchie—Yes.

Senator TROOD—prior to him going to Berlin.

Mr Ritchie—Curiosity only.

Senator TROOD—So, at least, there is some precedent for sending officers who are SES2 band from the International Division of the Prime Minister's department to Berlin?

Mr Ritchie—The person who is normally in charge of the International Division in the Department of the Prime Minister and Cabinet has, generally speaking, been a DFAT officer. Naturally, when they come back to DFAT they get posted. They have gone to other places, too. I headed that division for a year and subsequently ended up in, I think, Nairobi.

CHAIR—At this stage we will curtail the discussion and we will resume on this topic at 1.30 pm.

Proceedings suspended from 12.30 pm to 1.30 pm

CHAIR—We are still doing the portfolio overview, and I believe that Senator Trood has the floor.

Senator TROOD—My recollection is that we were discussing some diplomatic appointments. We were discussing the levels at which officers of the department are appointed to heads of mission positions. I just want to now clarify the situation regarding the position in Stockholm. I think you told me that Berlin was an SES band 2/3?

Mr Ritchie—That is right.

Senator TROOD—Is Stockholm, nominally, an SES band 2/3?

Mr Ritchie—No, Stockholm has been filled variously by an SES band 2 or an SES band 1.

Senator TROOD—So, Stockholm is an SES band 1/2? And that is typical of the previous occupants of that position?

Mr Ritchie—Indeed.

Senator TROOD—Mr Brown was the ambassador and he is no longer there, is he?

Mr Ritchie—He is no longer there; that is right.

Senator TROOD—He was appointed in March 2007, as I understand it. This would normally be a longer posting, wouldn't it?

Mr Ritchie—That is true. I will not go into the details, but there were health reasons associated with his departure.

Senator TROOD—So he cut short his term?

Mr Ritchie—Yes.

Senator TROOD—Half his term or—

Mr Ritchie—He probably served close to two-thirds of his time there.

Senator TROOD—So he would normally be there for three years? Is that typical of officers appointed to that post?

Mr Ritchie—Normally three years, that is right.

Senator TROOD—Prior to his appointment, am I right in saying that Mr Rowe occupied that position?

Mr Ritchie—That is right. Mr Rowe is an SES band 2 officer.

Senator TROOD—And it was Mr Brady before that?

Mr Ritchie—That is right.

Senator TROOD—But they were all either band 1 or 2; is that right?

Mr Ritchie—That is right.

Senator TROOD—So they are not comparable, are they?

Mr Ritchie—They are comparable in the sense that we can send SES band 2 officers there and have done so recently to both places.

Senator TROOD—But it is fair to say that the post in Berlin is generally classified as requiring, to some extent—and perhaps it is on balance or it is marginal—the services of a more senior officer or a more experienced officer or an officer with different kinds of qualifications? It is banded higher than the post in Stockholm; is that correct?

Mr Ritchie—Yes. As I said, these are very flexible arrangements. We have a band 2 officer in Berlin at the moment and, until Mr Brown got there, we had a band 2 officer in Stockholm. They can be broadly comparable. We can put an officer in at band 2. That is fine as well.

Senator TROOD—But, presumably, these classifications reflect, to some extent, the significance or the importance that we attach to the post?

Mr Ritchie—That is partly true, but if that is the case, then we have had band 2 officers in both posts, so they would be broadly equivalent in that sense.

Senator TROOD—But the department has gone through an exercise and has classified these posts in different ways. They are not classified in the same way, are they? And I presume that reflects some view in the department about the differential importance or significance of the posts.

Mr Ritchie—As I said, it depends. Germany is a very important country. It is the world's fourth or fifth, whatever, largest economy. But the position in Sweden is also important for different reasons, because of Sweden's very strong engagement on a range of issues that are of interest to us and it includes accreditation to a number of other countries like Norway,

Finland and the Baltic Republic. They are important for different things, and at times we have band 2 officers in both posts.

Senator TROOD—But Berlin is a more prestigious post, isn't it? It is a more important post—more directly—at least measured in trade terms. The economic relationship we have with Germany, for example, is a far more significant one than the economic relationship we have with Sweden or the other Scandinavian countries. Is that not fair?

Mr Ritchie—That is probably true.

Senator TROOD—It is important because of the significant position that Germany has within the NATO organisation and within the European Union. For a whole host of reasons it is important—and for the population size. There are all sorts of quantitative measures by which we could determine that Germany is arguably a more important position than is Sweden.

Mr Ritchie—All those points are unarguable, but it does not mean that we do not post equivalent level people to take charge of those posts.

Senator TROOD—But the point is simply that a posting to Berlin would, one would have thought, generally be regarded not just by you and by the minister but by most people as being probably a more significant step in an officer's career structure than one to Stockholm.

Mr Ritchie—Both can be used for that purpose. We also have in places which are smaller than Germany, like The Hague, an SES band 2 officer for very significant other reasons. It just depends a bit. In career terms, I think if you make a good job as of a posting as a band 2 officer in Stockholm you are just as likely to get advancement than if you were a band 2 performing not as well in Berlin.

Senator TROOD—All right. Mr Brown left when?

Mr Wise—From memory, late February or early March.

Senator TROOD—Has the head of mission position been occupied since then?

Mr Wise—We have somebody filling the position temporarily.

Senator TROOD—So we have a temporary occupant?

Mr Wise—That is right.

Senator TROOD—Was he or she the deputy head of mission?

Mr Wise—No, he is somebody who has served as the head of mission in another post and was between assignments. So we asked him to go and serve there until Mr Brown's successor was determined.

Senator TROOD—What is his name?

Mr Wise—His name is Trevor Peacock.

Senator TROOD—Where did he come from?

Mr Wise—He had been our ambassador in Jordan and he had finished his assignment there. We asked him to go and fill in in Stockholm until Mr Brown's successor was ready to take up the position.

Senator TROOD—So Mr Peacock had been dispatched from Jordan—

Mr Wise—He had finished his posting in Jordan so he was on his way back to Australia.

Senator TROOD—What level is he?

Mr Wise—He is an executive level 2 officer.

Senator TROOD—So he is an executive level 2?

Mr Wise—That is right, but he has head of mission experience and was available for the job.

Senator TROOD—Mr Borrowman is an SES 2 officer. The post in Berlin is an SES 2/3 officer. The one in Stockholm is an SES 1/2 position. And you have sent someone there on an interim basis who is not in the senior executive service; is that right?

Mr Ritchie—Senator, we needed somebody quickly to go there. He was available and he had head of mission experience. We needed someone to fill in until we got the fully substantive head of mission there. It is a very normal thing. We do that all the time.

Senator TROOD—It may be, but the conclusion that I think is unchallengeable is that the post was of a position where you felt perfectly able to send someone—albeit with head of mission experience but who is not in the SES band. Mr Ritchie, if there were critical issues at hand, if this was a vital relationship, are you saying that you would not have scratched around and tried to find an officer? Perhaps even you, Mr Ritchie, might have been sent from Canberra to fill the position.

Mr Ritchie—Much as I like Sweden I am very happy where I am, of course, right here. But the point is—and my colleague James Wise will confirm this—that the art of staffing is a mysterious art and it partly rests on availability. We suddenly had a head of mission vacancy in Stockholm which needed to be filled and we had a perfectly good head of mission available who we wanted to use, but purely on a temporary basis, until we got a permanent occupant, and that happens very regularly.

Mr Wise—We had a choice of pulling a substantive SES officer out of a line position here in Canberra—leaving a gap—to go and work in Stockholm for two to three months or using a strong officer who has done a good job as a head of mission in Amman, finishing his posting there to quickly go to Stockholm and fill the gap until a substantive head of mission could take up the position. It seemed to us the best way to deal with what was an unexpected situation.

Senator TROOD—Mr Ritchie, I can only agree with you that postings seem to be a mysterious art. What we are trying to do here, of course, is to limit the extent of the mystery.

Mr Ritchie—I think I said staffing is a mysterious art, not postings.

Senator TROOD—I would have thought staffing and postings are not unrelated to each other.

Mr Ritchie—They are not, which is why on this occasion we needed to find someone urgently to fill in a temporary vacancy at one of our posts and—

Senator TROOD—But he is not an SES officer, is he.

Mr Ritchie—That does not matter. We needed someone temporarily to fill in—

Senator TROOD—You can agree with me on this point, can you not—that that is the position. So we have a person there who is filling in after Mr Brown's departure from earlier in the year. How long will he be there for? When is it now expected that Mr Borrowman will—

Mr Wise—Mr Peacock will be there until the end of June. Mr Borrowman is expected to start in the position on 2 July.

Senator TROOD—I see. Is either Stockholm or Berlin a designated position for language as a requirement for heads of mission?

Mr Ritchie—No.

Senator TROOD—So it is not required that the head of mission to either of those posts has the local language, is that correct?

Mr Ritchie—That is correct.

Mr Wise—Neither of them is a language designated position. Berlin is what we call a language desirable position; that is a position for which an officer is provided language training if they require the language training and if funds and time are available for that training.

Senator TROOD—Yes, but there are several positions in Berlin. I think you have given me some statistics previously, Mr Wise, perhaps at the last estimates, and there are four positions in Berlin—is that right—which are language designated?

Mr Wise—I do not have the details of each language designated position in each post with me.

Senator TROOD—Let me just advise you. This is from information that you gave us, I think, at the last estimates—or at least in answers to questions. You informed us there were four positions in Berlin: first secretary, a second first secretary—as it were—and two third secretary positions, which are variously S2, R2 and S3 and R3 positions. Nevertheless, the head of mission position is a language preferred position rather than a language required position, is that right?

Mr Ritchie—That is right.

Senator TROOD—Mr Borrowman, as I think we have understood, was in the department and he left at the end of February at a date about which we are not absolutely certain but which we can probably find out. He went on long service leave. I think that was the answer, Minister, that we received in—

Mr Wise—On leave. I am not sure whether it is long service leave entirely; there may have been some recreation leave as well as long service leave.

Senator TROOD—I think the minister will confirm that we were advised in estimates in Prime Minister and Cabinet last week that—

Senator Faulkner—I believe we were so advised. He is certainly on leave.

Senator TROOD—When an officer goes on long service leave, is he required to advise his home department?

Mr Wise—Yes, he is.

Mr Ritchie—Yes.

Mr Wise—Until Mr Borrowman starts his pre-posting training in DFAT later this week he is still an employee on the books of PM&C. He will move onto DFAT's books later this week.

Senator TROOD—I see.

Mr Wise—But because he was finishing in PM&C and would normally come back to that department, he sought approval to take leave when he finished in PM&C. The department agreed.

Senator TROOD—Why was he finishing in PM&C?

Mr Ritchie—I honestly could not say.

Mr Wise—It is a question for PM&C.

Senator Faulkner—I think that is a matter best directed to Prime Minister and Cabinet. It is an unusual circumstance when an official has the status that Mr Borrowman had, but that question is probably one for Prime Minister and Cabinet. We could take it on notice. I am happy to try and facilitate that for you, but it probably should have been asked at their committee. We can try and help, but you cannot expect the officials at the table to have an answer to that.

Senator TROOD—Can you tell me off hand when he was appointed to the position, Mr Wise or Mr Ritchie?

Mr Wise—I cannot remember.

Senator TROOD—All I am interested to know is whether what may be regarded as his term there might have come to a natural end, as postings do in the department.

Mr Wise—I do not have the data with me, but he first went to PM&C on a temporary transfer from DFAT maybe four or five years ago at the SES band 1 level. He was promoted while he was there and then moved to head the division at least two years ago. So he has been at PM&C for quite a while and was scheduled to be coming back to the department.

Mr Ritchie—But there is no fixed term.

Mr Wise—No.

Senator TROOD—I understand that these things are by arrangement to some extent. The list of the 15 to 20 positions that you alluded to earlier, Mr Wise, as having been sent off to the minister's office somewhere at the end of November, early December—

Mr Wise—I have answers to that and some of your other questions now. I was mistaken about the date. It was 6 November that that submission went to the minister. There were 17 posts, and seven officers expressed interest in the Berlin appointment. If you like, I could give answers to some of the other questions which we undertook to provide as well.

CHAIR—I think that would be helpful at this stage.

Mr Wise—The question was asked, I think, by Senator Kroger about the staff who had separated from the department by resigning so far this year. There are 42 of them. Eleven of them were broadband 1 or 2 officers, 25 were broadband 3 officers, five were executive level 2 officers and there was one SES officer, and one of those broadband 1 and 2 officers was a graduate trainee.

Senator Trood, you also asked about staff who are awaiting security clearances. As of today, there are 59 staff who have been engaged but have not yet commenced because they are awaiting their security clearances. Nineteen of them are from bulk recruitment processes and 40 are from specialist recruitment processes. You also asked about how many DFAT missions have three or fewer A-based staff. Out of our 91 posts, 33 have three or fewer DFAT A-based staff, and that is 36.3 per cent.

You asked also about staff numbers in Berlin. We have a combined total of 25 Australian based and locally engaged staff in Berlin. It was 27 in June, 2005; it is 25 in May 2009.

CHAIR—Thank you, Mr Wise.

Mr Wise—Sorry, Chair, I have just been passed a note telling me that there was an error there. There were 18 posts, not 17. It was Berlin plus 17, so it is 18 in total. I apologise.

Senator TROOD—But it is nevertheless accurate to say there were seven officers who had expressed interest.

Mr Wise—Yes, seven officers. That is true.

Senator TROOD—Including Mr Borrowman.

Mr Ritchie—There were seven officers that have expressed interest.

Senator TROOD—Including Mr Borrowman.

Senator Faulkner—You said that, Senator. None of the officials said that. In other words—and this is the issue as it has been explained to you—it is a question of identifying who the shortlist of candidates might be. The officers, for obvious reasons, are reluctant to do so because for any post where there were seven expressing an interest, it is quite possible that at least six did not have their preference agreed to. So there are, rightly, sensitivities about this, and I am sure you appreciate that.

Senator TROOD—Indeed so. My understanding is that there has been no announcement as to who will fill that post in Berlin at the moment. Is that correct?

Mr Ritchie—That is correct.

Senator TROOD—So at the very least, leaving aside Mr Borrowman's expression of interest or not, this list went to the foreign minister on 6 November.

Mr Ritchie—Yes.

Senator TROOD—We are now almost halfway through the year and we still have not had an answer. We still do not know who our next ambassador in Berlin is going to be.

Mr Ritchie—We do not actually normally announce these appointments, or the foreign minister does not, until quite shortly before the postings are taken up. That is very normal practice. We have to go through a series of procedures once the government has approved a

candidate and the foreign minister has recommended it to Executive Council—because it has got to go to Executive Council. We have to seek what we, in our own arcane way, call agrément from the host government. There is a whole series of steps and then we do not, in any case, normally announce—or the foreign minister does not—the outcome until quite shortly before the posting.

Senator TROOD—But you can do these things quickly can you not, Mr Ritchie?

Mr Ritchie—You can if you want to, but that is our normal practice. Normally postings are not announced, or heads of mission are not announced, until quite shortly before, and Berlin does not become available until October.

Senator TROOD—So you could say you have a leisurely approach to this question.

Mr Ritchie—No, not at all. That is just the way we do it. Quite often people might know about a posting as head of mission months and months and months in advance and they are sworn to secrecy, which creates all sorts of issues for them. But they are nevertheless sworn to secrecy and cannot say anything until the foreign minister is ready to announce it.

Senator TROOD—No, but the list went up on 6 November. We are now at 1 June. So that is over six months.

Mr Ritchie—That is not unusual.

Senator TROOD—We still do not know who our next ambassador to Berlin will be.

Mr Ritchie—And we will not know until it is announced quite shortly before October.

Senator TROOD—Can you tell us whether any names have gone forth?

Mr Ritchie—Certainly.

Senator TROOD—Certainly you can tell us? Or yes, indeed, some names have gone forth?

Mr Ritchie—The foreign minister is certainly considering—

Senator TROOD—He is considering this matter as we speak, is he?

Mr Ritchie—He is considering this matter and has been for some time.

Senator TROOD—I see. Is it possible he has been considering the matter since the Prime Minister decided that Mr Borrowman will not be going to Berlin?

Mr Ritchie—That is way beyond—discussions amongst the ministers are a matter for them. We are not party to that, and it is their decision in the end.

Senator Faulkner—I note the claim in your question. I cannot structure your questions for you but I note the spin that is contained within the question, and we will just move on.

Senator TROOD—I think we established before lunch that the proposition that Mr Borrowman had been offered the post—or his name had been put forward for serious consideration for the post in Berlin is not contested anywhere on the public record. Now you choose not to confirm that, but I take notice from the fact that no-one in government has chosen to deny that proposition. So I take it to be that this is one of these occasions when the media reports are reasonably accurate about this matter.

Senator Faulkner—You can take it as you like, but what you actually have heard is evidence that these matters traditionally and consistently have not been the subject of either confirmation or denials. I think that point was made earlier.

Senator TROOD—It goes a bit further than that, doesn't it, minister? I am looking at a newspaper report—

Senator Faulkner—It does in your mind—

Senator TROOD—No, not just in my mind.

Senator Faulkner—You make a claim about it, and I have heard that. It is not new. It has been made by a number of others on a number of other occasions.

Senator TROOD—Indeed. And indeed it has been suggested in some of the newspaper reports that contacts within the department, people who know about these things, have said that Mr Borrowman was considered for the post.

Senator Faulkner—I am sure you accurately reflect what was said in a newspaper article or articles. I am sure that you accurately reflect that. It does not take us any further than the sort of evidence that we have heard and that you have adduced from officials since the luncheon break and before the luncheon break. We are going over the same ground again, as you appreciate.

Senator TROOD—I think we are perhaps moving on to new ground.

Senator Faulkner—We will look forward to that then.

Senator TROOD—There is a newspaper report that appeared in the *Australian* on 27 May headed 'Kevin Rudd's Berlin blockade hits Stephen Smith's stature'—an appropriately evocative title, I suppose, for the newspaper. In that report there is reference to officers of the department, top officials, having made it clear that Mr Borrowman was being seriously considered for the position, that his name was put forward by the foreign minister and that the Prime Minister, for some reason, rejected the nomination. That is the allegation. And this is where I think we had a different variation to it. When the Prime Minister was specifically asked about this matter, as he has been on a couple of occasions, he is quoted as saying—and I assume this is an accurate statement:

“When it comes to foreign diplomatic appointments I do place priority on languages, as does the minister. And last time I looked at Germany, they speak German.”

That seems to be an allusion or a reference to a diplomatic appointment to Germany. It further seems to be a reference to a very specific proposal, a very specific item, that Mr Borrowman had been nominated for that position. Does Mr Borrowman, or does he not have some fluency in German or some language capacity in German?

Mr Ritchie—Mr Borrowman has, as I understand it, year 12 German. His degree is actually in Mandarin.

Senator TROOD—He is in fact quite a talented officer in languages, isn't he? He has Mandarin and some—

Mr Ritchie—French and a little bit of Swedish.

Senator TROOD—And some Swedish. He has actually been at that post previously.

Mr Ritchie—He was given some small language training.

Senator TROOD—He has some Swedish; he has some Mandarin training—

Mr Ritchie—His degree is in Mandarin.

Senator TROOD—But he also has some German.

Mr Ritchie—He has year 12 German. An awful lot of officers in the department have year 12 languages.

Senator TROOD—Is it usual when claiming for officers that they have language qualification that if it is only up to year 12 you claim this on the announcements of their appointments?

Mr Ritchie—In the announcement it actually says that he has qualifications in German, Mandarin, French and Swedish, which is I think accurate.

Senator TROOD—Qualifications in German suggest to me that he has something beyond year 12 experience.

Senator Faulkner—It does not say that. I have obviously no idea what level of German Mr Borrowman has, but you have just heard the evidence from the officials as to what it is.

Senator TROOD—So he has some German—

Senator Faulkner—We have just heard that about four times. I have heard it four times as to what the level is. You have asked four times. I must admit I had not heard that before but I am glad that you now know.

Senator TROOD—I am better informed on the subject myself.

Senator Faulkner—We all are but we have got it on board.

Senator TROOD—I think Mr Ritchie and Mr Wise have made it clear that the post to Berlin is not a post which requires the officers to have any kind of fluency in the German language. It is desirable.

Mr Ritchie—It is language desirable, as Mr Wise said earlier on.

Mr Wise—For any of our posts, if we have an officer who has a language we obviously take that into account. It is one of the criteria that is taken into account.

Mr Ritchie—Just one of the many criteria we take into account.

Senator TROOD—Yes, so much the better. What are we to read into this remark, do you think?

Senator FARRELL—Oh, come off it, that is not a proper question. You might care to rephrase that question.

Senator TROOD—When the Prime Minister specifically says in relation to Mr Borrowman that ‘when it comes to diplomatic appointments I place priority on languages,’ and nobody would contest that perhaps. Then he said further that Germany—this is not particularly informative—is a place where they speak German. That seems to me to suggest that Mr Borrowman was denied the opportunity to serve there because he did not speak German. Is that not a reasonable inference in from this remark?

Senator Faulkner—It sounds a bit to me like you have developed your own personal conspiracy theory, which is fine. You can read into it, to use your own terminology, whatever you like. The officials at the table can only provide answers to questions that you ask and they won't—and of course I won't—comment on those suggestions or allegations, but they are happy to answer any properly phrased questions about these things. I accept that you are entitled to put your point of view on these matters and that often occurs at committees like this. The task of witnesses at the table is to answer questions as best they can and if they don't know take the question on notice. But I think you do understand they are not to respond to a speculative claim, hypothetical question or conspiracy theory.

Senator TROOD—With the list that went up on 6 November, 18 was mentioned as the number of posts involved. Do you know when the matter of the position in Berlin was considered further by the minister?

Mr Ritchie—No, Senator. That is a matter which then rests with the minister.

Senator TROOD—In fact, you have told us that it is unresolved at this moment—

Mr Ritchie—No, I did not necessarily say it was unresolved.

Senator TROOD—It is unannounced. So for all intents and purposes we do not know who the next ambassador will be. You may know, Mr Ritchie.

Mr Ritchie—I do, Senator. But, having said that, off that list of 18, in fact 13 of them have not yet been announced—12, sorry. So it is not unusual. We normally announce these postings just before the posting.

Senator TROOD—I see. But you can assure us that the matter is under consideration, or indeed are you assuring us that a decision has been made about the matter and that the process is being gone through, the agreement, among other things.

Mr Ritchie—There is a process underway, Senator—

Senator TROOD—So a name has been identified for the post in Berlin.

Mr Ritchie—There is a process underway and I really just want to rely on what Mr Smith said publicly on 25 May, which was: 'I don't comment on appointments that we made other than to announce who the appointed diplomat is.' I would rest on that and leave it at that point. Mr Smith will no doubt make an announcement in due course about who will be ambassador in Berlin.

Senator TROOD—I am sure he will in due course. In the meantime, Mr Kemish will stay at his post.

Mr Ritchie—He was due to stay there until October anyway, of course.

Senator TROOD—So you cannot enlighten us as to why it was that the undenied offer of a post to Mr Borrowman was rejected by the Prime Minister.

Mr Ritchie—I think there are about 15 bits of that that I am not going to comment on.

Senator Faulkner—But the answer to your question is no, Mr Ritchie cannot comment on those claims.

Senator TROOD—Okay. Mr Borrowman is clearly not going to Berlin—I presume his is not the name that is being considered in light of all you have said—and indeed it has been announced that he is going to Stockholm. Is that right?

Mr Ritchie—That is correct.

Senator TROOD—Was Stockholm on the 6 November list or not?

Mr Ritchie—No. We pointed out—

Senator TROOD—No, you made it clear that Mr Brown's departure was as a result of ill-health, but it does not follow from that, I think, that in November last year it had not come to the department's notice that you would have to make a change in Stockholm because of Mr Brown's ill-health, and that as a consequence of the expectation that you would have to make a change a consideration was not being given to an appointment in Stockholm.

Mr Ritchie—That is correct, but it was not one of the ones on the list.

Senator TROOD—This came up rather suddenly.

Mr Ritchie—Indeed. That is why we suddenly also had to put in a temporary officer.

Senator TROOD—When did it become clear that Mr Brown was going to leave? You said that he left in February or March.

Mr Wise—Late February-early March. From recollection, it was late January or sometime in January when Mr Brown indicated that he may need to finish the post early because of health reasons.

Senator TROOD—What did you do then, Mr Ritchie, when you have learned that Mr Brown thought he may need to leave the post early?

Mr Ritchie—What did we do in which sense, Senator?

Senator TROOD—In relation to filling his position.

Mr Ritchie—We went through the normal process.

Senator TROOD—So was a list compiled in relation to possible appointees to Stockholm?

Mr Wise—We advertised the position as an ad hoc head of mission vacancy—

Senator TROOD—Within the department?

Mr Wise—That is right. Following that, the secretary took the matter up with the minister, and Mr Borrowman is the announced ambassador to Stockholm.

Senator TROOD—Did you send a list up?

Mr Wise—On that occasion, because it was a decision that needed to be taken quickly at the time because the position was soon going to fall vacant, I think it was essentially a conversation between the secretary and the minister. It was then left with the minister.

Mr Ritchie—It is up to the minister.

Senator TROOD—I see.

Mr Ritchie—That is also normal. The secretary does talk to the minister about it on occasion.

Senator TROOD—So the minister asked for a name; is that what you are saying? Did the minister ask for the secretary's advice as to who might be appointed to the position?

Mr Wise—The sequence of events would have been that the secretary would have informed the minister that there was an unexpected vacancy in Stockholm.

Senator TROOD—And this was around the end of February, early March?

Mr Wise—Yes. He would have said, 'I sought expressions of interest and I need to talk to you about it. Here are the people who might be considered for the post.' That is my understanding of what would have happened.

Senator TROOD—I see. Did this unexpected appointment occur during the process of consideration being given to the post in Berlin?

Mr Wise—That is right. Those processes were happening in parallel.

Senator TROOD—So there was no mixing? These processes were occurring separately to one another; is that right?

Mr Wise—The processes may have been separate but the ministers would have been considering all the known available vacancies, which would have included those on the November list and the ad hoc vacancy.

Senator TROOD—So were their names on the November list that were being considered for the post in Stockholm?

Mr Wise—I cannot recall.

Mr Ritchie—I cannot recall. I know there were people who had expressed interest whose names were put forward. I do not recall.

Mr Wise—There are obviously a lot of names with such a large number of posts.

Senator TROOD—The announcement in relation to Mr Borrowman was made on 21 May; is that right?

Mr Wise—That is right.

Senator TROOD—I take it that the administrative matters relating to that have all been concluded; is that right?

Mr Ritchie—Yes. We cannot make an announcement until all the approval processes have been gone through.

Senator TROOD—I see. This, similarly, is not a language designated position, is it?

Mr Ritchie—No, that is right.

Senator TROOD—But Mr Borrowman has Swedish beyond year 12?

Mr Wise—My understanding is that he did some Swedish study on his previous posting at Uppsala University.

Senator TROOD—How long ago was that?

Mr Wise—I could let you know. I do not have the details right in front of me, but I am sure one of my colleagues will be able to get that to me and I shall let you know.

Senator TROOD—Perhaps you could do that, Mr Wise.

Mr Wise—He was last in Stockholm from 1993 to 1996.

Senator TROOD—I am sure he is a talented officer and maintained his language skills in good repair in that period of time. The list of 6 November had 18 posts on it. For how many of those posts—and I think you made reference to this—have there yet to be announcements? Was it 13?

Mr Ritchie—Twelve.

Senator TROOD—For 12 there have yet to be announcements?

Mr Wise—That is right.

Senator TROOD—Are you telling the committee in all seriousness that this is the normal course of events?

Mr Ritchie—We just realised that it is 11 now.

Senator TROOD—So a decision has been made while we have been sitting here, has it?

Mr Wise—No. We overlooked one.

Mr Ritchie—We overlooked an announcement in regard to New Delhi.

Senator TROOD—Which position was that?

Mr Ritchie—The high commissioner in New Delhi.

Senator TROOD—When was that announcement made?

Mr Wise—It was about two weeks ago, that Mr Varghese was going as the High Commissioner to New Delhi.

Senator TROOD—I did not think there had been an announcement about that?

Mr Wise—There has been.

Senator TROOD—It must have escaped Mr Varghese's attention.

Senator Faulkner—I doubt that it would have escaped his attention.

Senator TROOD—You may want to check that.

Mr Ritchie—We will check that.

Senator Faulkner—It has certainly been made now—

Senator TROOD—Indeed.

Senator Faulkner—If you are suggesting that it had not been made previously—I do not know.

Mr Wise—I am sorry. There has been media speculation.

Senator Faulkner—On the upside, we gave him a most effusive farewell from the finance and public administration estimates committee.

Senator TROOD—I remember that. In fact, I think I may have contributed.

Senator Faulkner—You did, indeed, in a generous way.

Senator TROOD—I thought so, which is why I am slightly surprised about the fact that an announcement has been made.

Senator Faulkner—We are all surprised but we are not surprised any longer.

Senator TROOD—Which, I suppose, just goes to confirm that the newspapers are sometimes right about these things.

Senator FERGUSON—This is a lot quicker than going through the Prime Minister's office.

Senator TROOD—So it seems. I wonder how many other appointments we can confirm in the next few hours.

Senator Faulkner—I suspect it will be a very small number.

Senator TROOD—That is disappointingly so, I think. There is opportunity and scope to advance the Rudd government's decision making on these matters, but sadly it is not going to be seized.

Mr Ritchie—To go back to your question. You were asking, in all seriousness, whether these are only announced much closer to posting—absolutely. They are rarely announced further away from a posting than about six weeks or a couple of months, maximum.

Senator TROOD—There may well be good reasons for that and I am delighted to know that the department is so well organised in its affairs that it gives plenty of notice as to the need to make appointments. I cannot help but think the reason why it is giving plenty of notice is because it knows it is going to take a damn sight longer to get an announcement or advice about how long it is going to take before an appointment is actually made. Are you saying that it is not unusual to make suggestions as to posts this far ahead?

Mr Ritchie—Absolutely. That is absolutely correct. It is not unusual at all. We like to plan ahead. I will give you a couple of comments on that. Firstly, we like to know well in advance what posts are coming up, because there is a process to be gone through. Part of the reason why it is not announced until shortly before the posting is because we have approval processes to go through. The other reason is because the person concerned is still working in their position, so we want them to continue working in that position. Secondly, apart from our planning purposes in considering head of mission positions well in advance, people deserve that kind of notice to plan their lives. They have to think about their children's education, the timing of their posting in regard to their, say, spouse's employment, looking after their house—there are a whole series of things that have to be thought through quite a long way in advance.

Senator FERGUSON—How come it took six months to fill London, then?

Mr Ritchie—I will not comment on that.

Senator TROOD—I agree with all that. I am very sympathetic to the time it takes for officers to plan their lives, et cetera—which is why it seems to me that six weeks notice is not a very long period of time to make those plans.

Mr Ritchie—The people concerned know well in advance of that.

Senator TROOD—But it is not unknown, is it, for people to be identified by post, as seemed to be the case with Mr Borrowman, and where, in the end, the appointment does not come through. So nobody can be absolutely confident or certain that they are being sent anywhere until such time as a public announcement has been made.

Mr Ritchie—That is always the case.

Senator TROOD—On your evidence, the best they can generally get out of it is that they might get six weeks notice.

Mr Ritchie—No, that is not true. When the approval processes have all been gone through and the person is confirmed in that position and told that they are going to be in that position, it is just a question of waiting for the announcement. It does not mean they are not aware of it, and in almost every case they will end up going. All I am saying is that nothing is ever certain in the world and exigencies occur closer to the time and ministers have the flexibility to do whatever they like. In almost every normal case people are informed about their postings well in advance. It is just not announced until very shortly before they go.

Senator TROOD—There are 12 posts which are unresolved. Apart from what is obviously an excellent appointment, sending Mr Varghese to New Delhi, there are 12 that are unannounced. Can you tell us which posts they are please?

Mr Ritchie—I would rather not, Senator, until they are announced. Some of them will be announced shortly.

Senator TROOD—I do not want the individuals—

Senator Faulkner—Senator, there are implications in providing a list like that; for example, it would depend where the consultation processes are up to with respective governments and the like. The best thing I can do with that is to say you can have a considered response, and I will ask for a quick response. I would prefer to take that on notice, because I do not know. Officials might know, but I certainly do not know all the circumstances that surround these other appointments. There may be sensitivities here, and I would want to tread very carefully in that regard. On that one, Senator, I will take it on notice, but I will undertake also in the same spirit to try to provide you with as early an answer as I can. I think that is the most sensible way of dealing with this. I am sure you appreciate that it is very difficult for me as the minister at the table, and of course I do not have any of the intimate knowledge of these appointments that the officials have, but I certainly appreciate the sensitivities here. I think the course of action I have outlined is sensible in the circumstances, but I have given you an undertaking that, where we are able to, we will provide that information as soon as possible for you. I simply do not know whether this is able to be done. It is a cautious approach I am taking, but I think it is appropriate in the circumstances.

Senator TROOD—I am grateful for that, and I would be grateful if the information can be provided. It would be helpful if you were to do that.

Senator FERGUSON—It does seem rather inconsistent, though, Minister, doesn't it—when a position like the High Commissioner in London is left vacant for six months before somebody is appointed to that position, and Mr Ritchie and Mr Wise tell us about the long lead time and the preparation that goes in. They knew the High Commissioner was leaving

April and the position is not filled until August or September. Compare that to the rapid appointment of Tim Fischer to the Vatican, which probably took five minutes.

Senator Faulkner—I am not sure that comment is fair, Senator, in that you use the word ‘inconsistent’—

Senator FERGUSON—It is inconsistent.

Senator Faulkner—I would not use that word, but I would certainly acknowledge that there are sensitivities. I would certainly acknowledge that. I am also being frank with you, Senator, in saying that I do not know what they all are—and I don’t—but I have undertaken to try to establish that and provide what information can be provided.

Senator FERGUSON—It just seems to me, Minister, that it is inconsistent and the inconsistencies would appear on the surface not to have been as a result of the department but maybe as a result of decisions that are waiting to be made at a higher level. In the case of the UK, I think it was terrible that we did not have a high commissioner there for six months. Yet when it comes to a new embassy being set up in the Vatican, the decision is announced and the appointment is made in very quick succession. So you have one which in my view has a minor role as a post overseas compared with the major role that the post plays in London. We wait six months for one—

Senator Faulkner—If you are right about that, that is not necessarily in conflict at all with what I am suggesting that, for a more major post or appointment if we are going to bring those value judgments to bear, a longer period of time is appropriate. This is not necessarily inconsistency at all. It may well be appropriate given the significance and sensitivities of some of these appointments. I do not know—and I am not pretending that I do know—the background to these things. If I did pretend to know I think you would be pretty doubtful that I would have that level of knowledge. What I have said is that we will undertake to deal with it in the way that I outlined. I do not accept necessarily the value judgment you make about consistency.

Senator FERGUSON—I only make that judgment because of the comments made by Mr Ritchie and Mr Wise that, where they know a vacancy is coming up, there is a long lead-in time, and time and thought is put into it. Everybody knew that the previous high commissioner was leaving in February. He had made his intentions quite clear. So the work that should have been put in to appoint his successor should have taken place prior to his leaving. And then we have a six-month lead time. Yet in another appointments it just goes like the snap of your fingers. I do not think there is anything inconsistent or a value judgment in that. The officers themselves have said that, where they know a vacancy is coming up, they have a long lead-up time to fill it and they make the appointment later. I wonder whether it is the department being lax in an important appointment like that or whether it is further up the scale and it is waiting for an approval from higher up the food chain.

Senator Faulkner—I do not know that I can make the point to you any more effectively than I have.

Senator FERGUSON—No, you cannot.

Senator Faulkner—In the world of diplomacy, as you know, there are at times exhaustive processes and sensitivities that are not always easily understood. My response to this is that we will provide what information I can provide to you and I will ask the minister to provide what information he can to you as soon as is practicable in the circumstances. I have undertaken to do that and I will do it.

Senator FERGUSON—Thanks

Senator JOHNSTON—Mr Ritchie, coming back to these events of 6 November where we had 18 posts to be filled. I take it there was a list of names for each post—correct?

Mr Ritchie—That is correct. I mentioned that earlier.

Senator JOHNSTON—I take it each of those posts had been advertised?

Mr Wise—Yes.

Mr Ritchie—Yes.

Senator JOHNSTON—With respect to the Stockholm post, you say there was an ad hoc decision yet the position was advertised?

Mr Ritchie—The position was advertised.

Mr Wise—We always advertise positions if we can.

Senator JOHNSTON—Were there any applicants?

Mr Ritchie—Yes.

Senator JOHNSTON—How many?

Mr Wise—I am not sure.

Senator JOHNSTON—Can you find that out for me?

Mr Wise—We can.

Mr Ritchie—Yes, certainly, but there were applicants, yes.

Senator JOHNSTON—Now we have announced as of 31 May who the ambassador to Sweden is to be, the question is: was he an applicant?

Mr Wise—We do not comment on who has applied.

Mr Ritchie—That is the point. We do not comment on who has and has not applied for the reasons that the minister outlined earlier on.

Senator Faulkner—But what the officials have taken on notice for you is the number of applicants.

Senator JOHNSTON—The point about taking this on notice and then not telling us whether he has applied for the position is the crux of the way this process has been operating. The fact is that you have had 18 posts. You have advertised. You have compiled, individually, 18 lists for each of those posts. On 6 November, you have put those lists to the minister—and we will come back to how you have done that in a moment—and then, on 21 May, or shortly prior to that, you have made an ad hoc appointment. Having advertised, no lists were put up—no list was accompanying the position put to the minister to make a decision with respect to

Stockholm. That is the case. Stockholm was totally different to the normal process. Am I correct?

Mr Ritchie—No, not at all. We said that—

Senator JOHNSTON—You did put up a list for Stockholm?

Mr Ritchie—We did not say we put a list in writing. I think Mr Wise made the point that the secretary had discussed that. Because it is a short-term, ad hoc posting and we needed to get somebody there, he had been up and spoken to the minister and no doubt mentioned the range of people who had expressed interest in the post. After that, it is a matter for the minister to make a decision.

Senator JOHNSTON—So every other one of these 18 from 6 November had a written list?

Mr Ritchie—That is not unusual. This was an ad hoc posting which we needed to fill quickly. The others were all planned postings coming up which we were able to go about in a more ordered way.

Senator JOHNSTON—So you put the applications in on 6 November with respect to the 18 posts. You were aware in January of this year that there was a problem at Stockholm—and yet it was an oral list.

Mr Wise—It was advertised in the same way that the other positions were advertised—within the department officers were asked to express an interest. The only difference was that, because of the time pressures, the secretary had a conversation with the minister about the applicants for Stockholm and the need to find someone to fill it fairly quickly.

Senator JOHNSTON—When was that conversation?

Mr Wise—I do not know the date, but I expect it was some time in February or March.

Senator JOHNSTON—Do you have a record of it?

Mr Ritchie—We would not, no.

Senator JOHNSTON—So this is just an informal conversation about a posting between the secretary and the minister?

Mr Ritchie—When lists of names go forward from the secretary to the minister, whether in writing or orally, they are treated very confidentially. It really is then a matter between the secretary and the minister and it is not surprising that we would not have a record of the conversation.

Senator JOHNSTON—So are you saying there is no writing passing between the secretary and the minister about the filling of a vacant post coming due in Stockholm?

Mr Ritchie—Earlier, I explained that our role in the process is to advertise positions that are coming up, collate a group of people who have expressed interest and put that forward to the minister. That is also what we did in regard to Stockholm. It is then, as I mentioned several times earlier, entirely a matter for the government to make a decision about who will be going. We have performed our task.

Senator JOHNSTON—When the government makes a decision, the secretary is informed?

Mr Ritchie—That is correct, yes.

Senator JOHNSTON—That is completely different from an announcement?

Mr Ritchie—That is correct. It is different from an announcement.

Senator JOHNSTON—And often many months before the announcement?

Mr Ritchie—It might be many months before an announcement, yes.

Senator JOHNSTON—Because you need to go and do all of the things you described with the host country et cetera?

Mr Ritchie—That is correct.

Senator JOHNSTON—In this instance, you are saying to me that, in complete contrast to what happened on 6 November, the secretary went to the minister's office and said, 'We have a vacancy in Stockholm.'

Mr Ritchie—That is what I am saying. It is—

Senator JOHNSTON—With no file, no writing, no nothing?

Mr Ritchie—This is not abnormal. Often when we have a need to fill a position urgently or, for example, as I mentioned earlier, when the government makes a decision about a particular candidate that is not from the list we have put up—that is, someone that the government put forward—we get informed about it. That is perfectly normal.

Senator JOHNSTON—And the secretary gave a list of names to the minister at that meeting?

Mr Ritchie—As far as I am aware, yes.

Mr Wise—The secretary, as far as I know, had a conversation with the minister about the vacancy in Stockholm and that there had been a certain number—I will give you the number when I have it, I just do not have it here with me—of applicants. The issue is then in the hands of the minister. We await the decision which we receive and then act upon.

Senator JOHNSTON—So the minister was told of a number of applicants?

Mr Wise—He would have been told of a number of applicants.

Senator JOHNSTON—And I presume he would have written them down?

Mr Ritchie—I have no idea.

Mr Wise—You would have to ask the minister.

Senator JOHNSTON—There is nothing in writing?

Mr Ritchie—We have fulfilled our part of it. We have put forward the expressions of interest. It is then a matter for the government to make a decision.

Senator JOHNSTON—Can you tell me when the department was informed as to the Stockholm decision?

Mr Wise—Not offhand.

Senator JOHNSTON—I would really appreciate you, at some stage today, checking as to when that was. The announcement, obviously, was on 21 May. I would like to know when the department was informed of the decision.

Mr Wise—We can do that. Senator, I have just received advice that there were 10 applicants for the Stockholm positions.

Senator JOHNSTON—I am very much obliged. When you put the 18 lists to the minister's office, what form do they take when they leave the department?

Mr Wise—It goes as a submission from the secretary to the minister.

Senator JOHNSTON—Are there individual submissions in respect of each post?

Mr Wise—No, it is all in the one submission.

Mr Ritchie—It is an omnibus submission.

Senator JOHNSTON—So we have a post name and then we have the list of suitable applicants as determined by the department.

Mr Ritchie—We have a list of the applicants. I mentioned earlier on that we put forward information about the applicants with all of the pros and cons, including those we regard as not being as competitive, but all the applicants were put forward.

Senator JOHNSTON—So this omnibus submission, with all of the names and the posts with the names that go with the posts as applicants, and the descriptive information to support the names or to provide the minister with necessary information, goes forward as a DFAT file?

Mr Ritchie—It goes as a submission from the secretary to the minister.

Senator JOHNSTON—Is it a box of information?

Mr Ritchie—No, it is just a piece of paper. It is a submission from the secretary to the minister.

Senator JOHNSTON—Does it have a cover sheet?

Mr Ritchie—It is just a normal DFAT submission to the minister. It is a perfectly normal piece of paper with a note from the secretary to the minister.

Senator JOHNSTON—So it is a type piece of paper. Does it have the DFAT logo on the top of it?

Mr Ritchie—Yes, it does.

Senator JOHNSTON—Does the DLO record the arrival of the submission into the minister's office?

Mr Ritchie—I am not aware of that.

Mr Wise—A submission on a head of mission appointment is closely held information. It tends to go directly from the secretary to the minister. The only person, as far as I am aware, in the office who sees that submission is the chief of staff.

Senator JOHNSTON—The chief of staff has the submission personally delivered to him?

Mr Ritchie—To her in this case.

Senator JOHNSTON—My apologies; yes, to her. And she then presumably brings it to the minister's attention at the first available opportunity.

Mr Ritchie—I would imagine so.

Senator JOHNSTON—When does the department anticipate a response to these matters?

Mr Ritchie—It totally varies. It is then entirely a matter for the government to make up its mind and to make a decision. They vary vastly in the amount of time it takes.

Senator JOHNSTON—Is there information in the submission as to, for instance, the urgency relevant to say, Stockholm, where the incumbent is ill?

Mr Ritchie—In this case we made it clear that the reason the secretary took it up with the minister was the urgent need to fill the position in Stockholm.

Senator JOHNSTON—That is right, but in respect of the other postings, is there a time frame—

Mr Ritchie—Of course. What we do—and this is not just a one-off; we do it regularly—is identify, as I mentioned earlier on, posts that are likely to come up over the next year or so and make recommendations about them, or at least put forward the pros and cons of each individual candidate and then leave it up to the minister to make a decision about them. This happens very frequently.

Senator JOHNSTON—Obviously, in respect of Berlin, you anticipated the decision being made in the interim between 6 November and some time in October.

Mr Ritchie—Correct.

Senator JOHNSTON—Did you tell the committee that there was in fact a further list that had been submitted on Berlin?

Mr Ritchie—No, I do not think so.

Senator JOHNSTON—So only the one list of names has been submitted in respect of the Berlin post?

Mr Ritchie—As far as I am aware.

Mr Wise—The list of names for Berlin has been unchanged.

Senator JOHNSTON—It has been unchanged?

Mr Wise—Yes, the list is unchanged.

Senator JOHNSTON—At the moment, as we sit here now, the department has no information as to the government's decision on the Berlin post?

Mr Ritchie—No, I did not say that, Senator. I said that it has not yet been announced by the government.

Senator JOHNSTON—And that is the point I make. I do not want to know, obviously, any of the details, but the fact is that there has been some information to the department as to the government's decision.

Mr Ritchie—Senator, I quote what I quoted earlier on from Mr Smith's press release, which says:

I don't comment on appointments that we made other than to announce who the appointed diplomat is.

And I stick by that.

Senator JOHNSTON—Well, that is all very well for the minute—

Mr Ritchie—In due course the minister will make an announcement about who is to be the ambassador in Berlin.

Senator JOHNSTON—You see, that is not the question. I am not interested in who the appointee is. I am interested in knowing what the department understands and whether or not it has information that a decision has been made. That is an important consideration for the committee, given this matter, and I would ask for an answer please.

Mr Ritchie—We have an indication as to who will be going to Berlin. We are going through the processes now. I do not really want to comment beyond that.

Senator JOHNSTON—Could you please just repeat that for me again?

Mr Ritchie—I am sure it is in the *Hansard* already, Senator.

Senator JOHNSTON—I did not quite—

Mr Ritchie—We have an indication as to who will be going to Berlin, we are going through the processes of approval and an announcement will be made in due course.

Senator JOHNSTON—I am obliged to you.

Mr Ritchie—I cannot comment beyond that.

Senator JOHNSTON—No, and I do not want you to. Thank you for that.

Mr Wise—I have just received advice that the department was informed of the Stockholm decision on 12 March.

Senator JOHNSTON—Thank you, Mr Wise.

Senator KROGER—I have read reports that the Obama administration has made a request recently for us to take some of the Guantanamo Bay detainees and I am interested to know whether a formal request has been made and where that is at as of now.

Mr Tweddell—Senator Kroger, I can confirm that the Australian government has received a request from the US government to resettle some Guantanamo Bay detainees in Australia. The Australian government will consider that request on a case-by-case basis and in accordance with the government's strict immigration and national security requirements. The same rigour that was applied to a previous request, of which you will be aware and that was made last year, under the previous administration will be applied to this one.

Senator KROGER—Am I correct in my recollection that this is the third request from the Obama administration?

Mr Tweddell—No, it is the first request from the Obama administration.

Senator KROGER—Okay. Is this request in relation to any specific detainees at Guantanamo Bay?

Mr Tweddell—Mr Smith, in a media appearance on *Meet the Press* yesterday, said that there is a request in relation to up to 10 detainees and that the government received this request about a week ago.

Senator KROGER—Are those 10 detainees the same ones that we were asked to consider in the last request?

Mr Tweddell—I am sorry, I am unable to comment on that because it is still under consideration. In any event, I myself do not have the details at this point. I do not know the details of the people about whom the request has been made.

Senator KROGER—There were reports that the previous detainees we were asked to consider were, and forgive me if my pronunciation is not right, Uighurs from north-western China and that they were the ones who we had been asked to consider in the past. I understand from the reports that I have read that they were being specifically asked to take those detainees because the US government of the day said that they could not be returned to China due to the fact that China itself considered them to be terrorists. Are they the very same people that we are reconsidering?

Mr Tweddell—They were Uighurs. Mr Smith said that on *Meet the Press* yesterday. The group about whom we were approached under the Bush administration were in fact Uighurs from the north-west of China. I think he said, ‘of Uighur origins’.

Senator KROGER—I think there were 17. I did not see the program that you are speaking of but I understand that were 17 that we were asked to consider last time.

Mr Tweddell—Yes, the minister has referred to that.

Senator KROGER—What process is actually taking place for the consideration of the detainees, firstly?

Mr Tweddell—It is on the public record that, as in the past, this will be a decision taken by the government, having full regard to the immigration and national security issues involved.

Senator KROGER—One would consider that the process should be a pretty rigorous one, given the nature of the circumstances in relation to their detainment, the length of time that they have been detained and associations developed through that detainment period?

Mr Tweddell—Yes. The government has said that they are considering each of these on a case-by-case basis against, as I mentioned before, the relevant immigration and other national security related requirements.

Senator KROGER—Do you not think it is quite surprising that we would consider detainees who the Obama administration themselves are not prepared to give asylum to on American soil?

Mr Tweddell—There is a bit of background, if you would give me indulgence on that. The very question of the status of these people in the United States is still a very complex issue and it is all before the US courts, the congress and the administration. President Obama himself has said that the closure of Guantanamo Bay does raise some very complex issues. For example, the congress recently introduced legislation to block any resettlement of detainees in the United States. So the administration is considering options of resettling some

detainees in third countries, including, as I have just confirmed, Australia. You are right to say that the government will apply strict and rigorous processes to this. Given your interest in this, I commend to you the transcript of the interview yesterday on *Meet the Press* where the minister went into this in some detail. It is on the DFAT website, on the minister's website. He did speak there about individual case-by-case consideration. He said that he would not go into the details of security advice in respect of particular individuals and so forth.

Senator KROGER—Thank you for that. I will look that up, because I did not see it. I find it a little difficult to get my head around us as a country being strongly encouraged to consider resettlement of detainees who obviously create a huge domestic problem for the Obama administration. I think it would be naive to suggest that we, in our consideration of the process, would not consider it could prove to be very difficult for us domestically to consider the settlement of detainees here as well. Just further on from that, is there any way in which particular interest groups are having any input to this process? Is the process one that fully reflects the opinions of the Australian community?

Mr Tweddell—We are not the decision makers in our portfolio. My first reflection on that, off the top of my head, is that of course a lot of these views have been very well canvassed in any event. But as to the process going forward, DFAT and the Foreign Affairs and Trade portfolio is not the decision maker in this. It is, as I mentioned before, largely an immigration issue informed by national security considerations. I am not really sure what the answer to that would be; how open the process is to that sort of canvassing. The minister has already said, and I think I said this at the top, that the same rigour that was applied to the requests received under the Bush administration will be applied to this. I think a lot of these ideas were canvassed then as well.

Senator KROGER—What sort of time frame are we looking at here? Does the Obama administration actually have a time frame themselves that they need to work towards in terms of the resettlement of detainees?

Mr Tweddell—If they do, I am not personally aware of that. I think they would like to resolve this quickly. It was one of the things that Mr Obama moved on very early in his time: the closure of Guantanamo Bay. Much of what he said about the reasons to do that is on the public record. But also on the public record is how difficult that is proving to do.

Senator KROGER—They have just not been quite so quick to be able to bring it to some sort of conclusion.

Mr Tweddell—Yes, even domestically there are quite few processes in train which complicate the matter for the Americans.

Senator KROGER—Thank you.

Senator FERGUSON—I want to ask a couple of questions on Zimbabwe. Can you tell me what the total amount of Australian government funding to Zimbabwe is in the budget?

Ms Stokes—This is in the coming year?

Senator FERGUSON—Yes—in the 2009-10 year—the total funding to Zimbabwe.

Ms Stokes—I am not sure I have got that figure with me, but of course AusAID would be able to give you a very precise answer to that when you deal with AusAID.

Senator FERGUSON—So it is all aid budget—all of the budget that is going to Zimbabwe is out of the aid budget.

Ms Stokes—As far as I am aware, yes.

Senator FERGUSON—You do not know what portion of the budget would be going into governance and what portion into nation-building type activities?

Ms Stokes—In the year ahead, you mean?

Senator FERGUSON—Yes, 2009-10.

Ms Stokes—Again, AusAID may have more information on that. I think from our perspective in DFAT, when we look at the year ahead we will want to be positioned so that we are able to respond flexibly. So I am not sure that I am able to give you a precise answer.

Senator FERGUSON—I ask this question having on two separate occasions observed elections in Zimbabwe, in 2000 and in 2002, which I can say was not a pleasant experience—particularly the second time. What guarantee does the Australian government have that the additional Australian taxpayer funds that are being set to Zimbabwe will not get into the hands of Mugabe or his henchmen?

Ms Stokes—This is obviously something that is of great concern to the government, to ensure that precisely that does not happen. AusAID tries to make sure that the funds are channelled through established aid delivery mechanisms. AusAID can give you more detail of that, but the agencies that we have worked with, and currently are working with, include the UN agencies as well as the United Kingdom Department for International Development—DFID. No direct budgetary or funding assistance to government ministries in Zimbabwe is currently being provided.

Senator FERGUSON—Are you confident that the mechanisms in place are sufficiently stringent so that none of this money could be syphoned off to either Mugabe or any of his cronies?

Ms Stokes—I think it is fair that you should ask AusAID—it is their job really to scrutinise this. But, clearly, from a DFAT point of view this is also terribly important to us. That is certainly what we hope is the case.

Senator FERGUSON—What specific protests has the government lodged with the Mugabe regime about its human rights abuses?

Ms Stokes—That is a very general question.

Mr Ritchie—The temptation to say ‘lots’ is very large.

Senator FERGUSON—The whole question is that there is a lot of money going into Zimbabwe. There is some scepticism that perhaps money is being put into Africa in general, and Zimbabwe in particular. There is a concern that it might be a softening of our stance toward Zimbabwe. I would be very concerned if that was the case.

Ms Stokes—The humanitarian situation in the country, as I am sure you appreciate, is grim. So the vast bulk of our assistance has been for humanitarian purposes, including to address the cholera situation. Our government has also been concerned to support Prime Minister Tsvangirai and his ministers where that might be possible. As you know, it is a so-

called inclusive government and we have MDC ministers in the government. Those ministers are trying hard to address Zimbabwe's profound problems. We are watching the situation there very closely and where there are opportunities to support the good work of those ministers then we will look at that.

In terms of the human rights situation in the country, which is still of great concern, despite this power-sharing agreement there have been numerous incidents where Mugabe and those who are allied with him have supported violations of that agreement and so there have been detentions. There has also been some interference with the judiciary and land seizures. Of course we are very concerned about those and we have expressed our concerns in numerous ways, including in relation to South African Development Community countries. SADC countries, as you know, brokered the agreement that generated the unitary government. We are saying to SADC countries, 'It is terribly important that you put pressure on the Mugabe regime to honour the promises that led to that power-sharing agreement'.

Senator FERGUSON—Ms Stokes, I think when you talk about a power-sharing government you have to give it its widest interpretation to think that it is power-sharing.

Ms Stokes—Yes.

Senator FERGUSON—I think even the biggest optimist would think that the power is not shared too evenly. I noticed that the Minister for Foreign Affairs in March announced \$10 million for support for health, water and sanitation. Do you know who is controlling that \$10 million fund? Does that all go through AusAID or are there other bodies involved in the monitoring of the spending or organising the spending of that \$10 million?

Ms Stokes—I have some of the basic information here, and I am sure AusAID can provide you with more information. Of the \$10 million some \$5 million was provided through the UK Department of International Development and another \$5 million was provided through UNICEF. So it has been provided through those two partners. AusAID may have more information about the nature of those two.

Senator FERGUSON—That was a special \$1 million provision for UNICEF I think, wasn't it?

Ms Stokes—What I have here is \$5 million for water treatment chemicals to help contain the cholera epidemic.

Senator FERGUSON—The figure that Mr Smith had in his press release was that \$1 million will be provided to UNICEF.

Ms Stokes—I think there was an announcement in March, which are the figures I was just referring to. And on 25 May, just last week, the minister announced a further \$6 million, including \$1 million for essential water and sanitation related activities through UNICEF.

Senator FERGUSON—Was is the Australian government proposing to do to assist Zimbabwe to have free and fair elections on the next occasion, which I think is in June 2011?

Ms Stokes—There is no set date for the elections and this is—

Senator FERGUSON—No, I know there is no set date; but I think they are expecting it about then, aren't they?

Ms Stokes—I think it is hoped that they will take place within two years but there is no guarantee that that will happen. So this is going to be a key item not only for our advocacy but also for the international community—to make sure they happen. We will need to work with SADC countries in promoting that interest.

Senator FERGUSON—Would we be likely to request the chance to send observers to an election in Zimbabwe? I know last time we were not invited or not allowed to. The second time I went it was with the Commonwealth because Australia was not invited—although we did as a country send observers in 2000. Do you know whether there is the intention or whether the department knows?

Ms Stokes—It is not an issue that has arisen. Once we have an election date, that would be one of the issues that we would look at.

Senator FERGUSON—Has the department done any analysis or research on the effectiveness of the aid that we are giving to Zimbabwe—I am not talking about whether AusAID has done it but rather has the department done it—that is, as to whether the aid we are supplying to Zimbabwe is effective?

Ms Stokes—I do not have something that looks exactly like what you have asked in front of me, but we do have our embassy on the ground there and they monitor the situation in the country.

Senator FERGUSON—It is a bit sparse on the ground these days though, isn't it? There are only two staff there, aren't there?

Ms Stokes—I think we have three A-based staff in the mission.

Senator FERGUSON—It is three staff, is it? I thought there were only two staff there now.

Ms Stokes—I stand corrected. I thought it was three. It may indeed be four A-based staff with AusAID either having arrived or shortly putting someone into the mission there. The mission watches the situation in country very closely. I do not have any reason to believe that our assistance, which has primarily been of a humanitarian nature, has not been making a difference there. The role of the UN organisations, the humanitarian organisations and the NGOs has been critical.

Senator FERGUSON—Is it fair to assume then that the department does not have any concerns about money that is being sent to Zimbabwe for humanitarian purposes?

Ms Stokes—We have our eyes wide open. There would be risks of course—the risk of misuse and diversion—in dealing with a government of the kind that exists there. We would be very concerned and are very concerned to ensure that does not happen.

Senator FERGUSON—I presume, Minister, that you could give us a guarantee that the Australian government's position on Zimbabwe is not in any way influenced by our pursuit of a temporary seat on the UN Security Council, couldn't you?

Senator Faulkner—I can certainly do that. The government has had I think a very strong and principled view in relation to events in Zimbabwe. I myself on a number of occasions of course have addressed this in question time in answers to questions from around the chamber,

which I hope reinforces the message of how importantly the government treats its response on this issue. I think it is also fair to say that these views are not unique to the government; I have made the point in the Senate chamber from time to time that I think they are held very strongly around the chamber as well.

Ms Stokes—Might I add that the sorts of issues that we are grappling with in Zimbabwe are the same issues that other donors are faced with in dealing with Zimbabwe. I would say our position and the approach we are taking is very much in sync with the approach that other countries are taking. They are concerned about not wanting to support the Mugabe elements of the government but on the other hand they do want to support Morgan Tsvangirai and his ministers and help him to succeed rather than help him to fail. So they are very difficult issues and we are staying in close touch with other donors, other countries, about the approach that is being taken. We are also staying in touch with me the SADC countries, South Africa and we recently had the Tanzanian Foreign Minister here and the minister talked to him about these issues as well.

Senator FERGUSON—There is an embassy in Harare now.

Ms Stokes—It is an embassy.

Senator FERGUSON—I presume they are constantly in touch with some of the newly appointed ministers in this power-sharing government, which would give us a better indication of the appalling human rights record of the past three or four years. You would read many more emails than I do but I certainly get plenty. I would have hoped that, because there are now some ministers from a different political party, we might have a closer liaison with what is happening on the ground than we did in the past.

Ms Stokes—I think we have a good sense of what is going on on the ground in the country. With the advent of this new government, our mission is dealing with the MDC parts of the government, whether that is in the person of the minister or whether their advisers; it would be in both cases. So our mission is very well plugged in to what is happening.

Senator TROOD—Do you know how many people are currently afflicted by cholera in Zimbabwe?

Ms Stokes—The information I have in front of me says that 4,284 people have died from the epidemic, with a cumulative total of over 98,300 cases. This briefing was prepared in the last week and it could well be that the figures have changed since then.

Senator TROOD—You do not have an assessment of the overall numbers?

Ms Stokes—The cumulative total of the cases is over 98,300 cases.

Senator TROOD—Is it the department's assessment that there is a high risk if anybody goes to Zimbabwe that they might contract cholera?

Ms Stokes—I need to check what the travel advice says. I have it here. About cholera in particular?

Senator TROOD—What is the current travel warning with regard to Zimbabwe?

Ms Stokes—It says, 'Reconsider your need to travel.'

Senator TROOD—It seems a little tame in the circumstances.

Mr Ritchie—That is our second-highest level. The next one up is, ‘Do not travel.’ Mr Moriarty is nodding his head. It is the second-highest level of warning we can give short of do not travel.

Senator TROOD—You do not think the point is reached when 4,284 people have died from cholera and 98,000 have been affected or are thought to have the disease? Telling Australians to reconsider your need to travel, apart from everything else that is going on in the country, you do not think that is a set of circumstances where lifting the warning to the next level might be advised?

Ms Stokes—I do not know whether you have that advice in front of you, but it does indicate that it is important to drink water that has been bottled—

Senator TROOD—In Zimbabwe, I would think it is important not to drink water.

Senator FERGUSON—You want to put a bit of whiskey in it as well.

Ms Stokes—It is possible to drive into Zimbabwe and it is possible you could take with you bottled water.

Senator TROOD—Litres and litres of it.

Ms Stokes—It depends on how long you are staying.

Senator TROOD—Of course, but the country is in chaos obviously and political instability is rife. But there is a serious question here about health, apart from being riven by the HIV-AIDS epidemic is well. Most Australians would go to this website and they would look at ‘Reconsider your need to travel’, which is saying, ‘I’ve got an option here whether I should go or not.’ But if 4,000-plus people have died and 98,000 affected and the numbers have grown very quickly over a period of time, don’t you think it is time you reconsidered the possibility of putting the warning up to the next level, even if it is the highest? What sort of a state has a country got to be in before you say, ‘Don’t go there’? Can you help us with this, Mr Moriarty? You are the travel warning man, are you?

Mr Moriarty—Yes, Senator. We have five categories of travel warning or travel advice by level. The countries in the ‘do not travel’ category are currently Afghanistan, Burundi, Central African Republic, Chad, Gaza Strip, Iraq, Somalia, Sudan and the West Bank. The reasons why those countries are in that particular category is clear. We review these quarterly and we take into account issues like health, general security—the range of factors that affect travel. At the moment our view is that Zimbabwe, while the situation there, as you said, is quite difficult—

Senator TROOD—Dire would be beginning to be an adequate explanation.

Mr Moriarty—It is not yet so dire that we would recommend—

CHAIR—All those countries are currently engaged in a civil war or coming out of a foreign war or a domestic disturbance of some significance. Is that really the test for ‘do not travel’: war or warlike current circumstance?

Mr Moriarty—That is not the only test. Clearly that is very often a factor.

Senator TROOD—It would be a threat to life, wouldn't it? As Senator Bishop says, if you go to a country where there is a civil war taking place then you are at risk of your life. You are no less at risk if you happen to catch cholera, are you?

Mr Moriarty—When you are talking about disease and pandemics, that could be a factor of such significance to put the country into the 'do not travel' category, but there is nothing automatic about that. A range of factors are taken into account when we are reviewing the travel advice.

CHAIR—Of those countries you just read out, they are pretty well all currently in a civil war, have come out of a foreign engagement or are the subject of invasion by outside forces on their borders, are they not?

Mr Moriarty—Certainly internal security considerations are a major factor in relation to all of those.

CHAIR—And the answer to my question is yes or no?

Mr Moriarty—I do not know that I can give you—

CHAIR—I can. The answer is yes. Anyone in this room knows it is. The descriptions I just offered are current in places like Sri Lanka, Iraq, Chad.

Mr Ritchie—That is why we recommend, for example, do not travel to places like Somalia. It is a state of some anarchy.

Senator Faulkner—I do not think Sri Lanka was—

Mr Ritchie—It was not on the list.

CHAIR—It was not on the list? I am sorry. I beg your pardon.

Senator Faulkner—There are two categories: the countries to which the department, or the government, advises against all travel, which I believe Mr Moriarty read out, and there are destinations for which people are advised to reconsider the need to travel. For example, Sri Lanka is in that second category.

CHAIR—But in the first category the common thread appeared to be current, recent or well-grounded fear of war.

Senator TROOD—The common denominator seems to me to be that you are at risk of your life—as a result of civil war perhaps but from other situations as well. That seems to me also to be a possibility in Zimbabwe.

Senator Faulkner—That is certainly true. Clearly the safety of no-one travelling there can be guaranteed. That is absolutely true.

Senator TROOD—Thank you, Minister.

Senator Faulkner—It does not alter the fact that these sorts of circumstances also go to the point the chair was making in relation to why that is the case. The point I am making is: I suspect it is a bit of a circular argument, in a sense.

Senator TROOD—When did you last consider the Zimbabwe situation, Mr Moriarty?

Mr Moriarty—I can check and find out when it was last reissued, but, as I said, we review these quarterly.

Ms Stokes—Friday, 24 April was the most recent one.

Senator TROOD—So you have considered it since the cholera outbreak began?

Mr Moriarty—That is correct.

Senator FERGUSON—You cannot actually stop anybody from going anywhere.

Mr Moriarty—That is correct.

Senator FERGUSON—We have had people going to Bali for years against advice.

Mr Ritchie—Absolutely.

Senator FERGUSON—I am not sure whether there is a category that says, ‘We strongly advise against travel to this country.’ Then you could do that to all—

Senator Faulkner—Mr Moriarty will correct me if I am wrong, but I understand basically there are five levels, and ‘Reconsider your need to travel’ is the second-highest level.

Mr Ritchie—That is right.

Senator Faulkner—The first one is ‘Be alert to your own security.’ That is level 1. ‘Exercise caution’ is the next level. ‘High degree of caution’ is the next one. The second-highest is ‘Reconsider your need to travel.’ The highest level this ‘Do not travel.’

Senator FERGUSON—Couldn’t you go from ‘Do not travel’ to ‘We strongly advise against travel.’ It is the second one that seems to be a bit wishy-washy to me—‘reconsider’.

Mr Ritchie—We take a lot of factors into account, which include advice from our embassy in Harare, obviously, and also what advice our consular partners are giving. We do not want to be out of step with our consular partners. I suspect that the answer is that they are at the same level, because we watch these things very closely. I take your point about the wording of that. All I can say really to you is that we review these pretty constantly. We will take that into account next time it is reviewed. That can be triggered by an event or advice from the post or a change in our consular partners’ position—or we do it unilaterally and talk about it. But I am sure it would be reviewed.

Mr Moriarty—We do a quarterly review, but where circumstances require it we change the travel advice very quickly. Sometimes we can change the advice several times in the course of a day.

Senator KROGER—Probably one of the things that have been determined in the last few minutes is that you have to understand diplomatic code to understand the critical nature of the second-highest level. I wonder how many people actually understand the code to know that it is that serious. I would humbly suggest that many people who think they can rush in and out to take a quick snapshot of Victoria Falls may not understand quite how serious it is. That is the point that we are making. I have looked at other travel advisory sites but not the one on Zimbabwe. Does it have strong health warnings in relation to cholera and—

Senator FERGUSON—AIDS.

Senator KROGER—the AIDS situation? That was something we were just reflecting on here—how many are infected with AIDS.

Ms Stokes—I think there are about 10 paragraphs dealing with health issues including cholera, clearly, and also HIV-AIDS and the nature of the hospital system there. So I think that a person who is planning to travel to Zimbabwe would have a fairly accurate sense of the poor health services as well as the risk they would be facing.

Senator KROGER—What percentage of the population have AIDS?

Ms Stokes—I may have that information here, but I can take that on notice.

Mr Ritchie—And, if not, the Ambassador for HIV/AIDS is an offset from AusAID. They provide most of the assistance on HIV-AIDS issues and would be very happy to pass that on to you, I am sure.

Senator KROGER—Thank you very much.

Senator FERGUSON—It was suggested, I know, a few years ago that up to 50 per cent of pregnant women were HIV positive—

Mr Ritchie—There are shocking statistics.

Senator FERGUSON—and even more in the defence forces.

Senator TROOD—Mr Moriarty, do we know how many Australians have travelled to Zimbabwe in the last 12 months?

Mr Moriarty—I do not have that figure with me. I could try and get it roughly. It would of course be impossible to get an exact figure. Australians who are travelling to that country do not have to report—

Senator TROOD—No, I understand that.

Mr Moriarty—unless they register with us. Many people, as you know, take those longer trips around Africa, and they will not necessarily come to our attention unless they register their travel with us as being to Zimbabwe—or many people will register when they arrive in the country.

Senator FERGUSON—Do they need visas now to get in?

Ms Stokes—I do not know the answer to that.

Mr Ritchie—It will be in the travel advice.

Ms Stokes—I will look in the travel advice.

Senator FERGUSON—That is a pretty fair indication—as long as you get visas.

Mr Ritchie—The question then is whether the Zimbabwe government is prepared to give us that information. That is another matter.

Senator FERGUSON—That is true.

Ms Stokes—It says:

Visa and other entry and exit conditions ... change regularly.

Mr Ritchie—I am sure that is true.

Senator FERGUSON—Yes, everything changes except the government.

Senator JOHNSTON—Ms Stokes, who bears the primary responsibility with respect to the \$16 million we have given Zimbabwe?

Ms Stokes—Who bears the primary—

Senator JOHNSTON—As a department—is it AusAID or is it your department?

Ms Stokes—It is AusAID's, and they are accountable for the funds. The minister is ultimately the Minister for Foreign Affairs.

Senator JOHNSTON—The minister is ultimately the Minister for Foreign Affairs?

Mr Ritchie—Yes.

Senator JOHNSTON—So, from a DFAT point of view, we are only concerned with the normal standards of democratic, human rights propriety being maintained by Zimbabwe, and we do not specifically oversight the aid money that we have given such that we know and can be confident that it has not gone astray?

Ms Stokes—In general terms that is right. However, DFAT has a great interest in ensuring that the money does not go astray because of the political implications of that if it were to be the case. Secondly, the ambassador of course works for DFAT, works for the government, and also assists AusAID and either has or shortly will have an AusAID person in his team there. The ambassador has a role in this and in providing advice both to AusAID and to us.

Senator JOHNSTON—What does 'great interest' actually convert to in terms of practical oversight?

Ms Stokes—The ambassador will provide advice on his view on how we should allocate funds, and he would express a view if there were a problem with respect to accountability, so that is one aspect of 'great interest'.

Senator JOHNSTON—Has he expressed any such concerns?

Ms Stokes—I am not aware that he has. And DFAT are also consulted by AusAID in the preparation of advice to the minister on the allocation of funds, so our views are taken into account there.

Senator JOHNSTON—And DFAT has given views with respect to the \$16 million?

Ms Stokes—Yes, we have been consulted on it. I have to say that we are like-minded with AusAID with respect to identifying the risk and projecting the view that of course we do not want to assist the Mugabe regime.

Senator JOHNSTON—How do we know that we are not assisting the Mugabe regime, given that we have given money directly to the Zimbabwean government?

Ms Stokes—As I said before, we have not given money directly to the government; we have given it through other agencies, principally UN.

Senator JOHNSTON—But what do they do with the money?

Ms Stokes—As I said to you, it is best for AusAID to give you that information. They have the detail of that, and they are formally responsible for the way in which the funds are allocated.

Senator JOHNSTON—So, to your understanding, no money has gone to Mr Tsvangirai with respect to reconstruction, health, medicines or anything of that nature on a direct basis?

Ms Stokes—I am not aware—to Mr Tsvangirai?

Senator JOHNSTON—To Mr Tsvangirai. Given that he is the Prime Minister, I would have thought that if he received any money it would have to go into general revenue. I am not sure that he controls the treasurer, if you follow me.

Ms Stokes—Again, I think you will need to ask AusAID for the precise detail.

Senator JOHNSTON—Yes, I will. Thank you.

CHAIR—Are there further questions on this issue? We are still on Zimbabwe. Are there any further questions generally on portfolio overview?

Senator TROOD—I just have a quick question which perhaps we can dispose of. It is in response to a question I asked in the additional estimates with regard to language training in the department. I asked how many positions had had their language training cut or reduced in the last 18 months. I received an answer to that question—thank you—advising that there were seven language designated positions which were withdrawn from the overseas network and that one has been allocated to another place. I would be grateful if you could tell me, Mr Ritchie, which posts these seven were, because I have not been advised of that, and also the level at which they have been removed—tha is, which level of language training is the case. I would like to know the level and the missions where they were cut. This was also a question I asked with regard to the deputy heads of mission—that is, where the language designation was removed—and you advised me that three deputy heads of mission do not have language proficiency. Could you tell me which deputy heads they are, please?

Mr Ritchie—I will have to take that notice. We will find it out and provide it for you.

Senator TROOD—That is fine. Can you also provide me with an explanation—and you may be able to do that generically here, Mr Ritchie. Were these cuts made for financial reasons, or were there other considerations that applied for their being withdrawn?

Mr Ritchie—Definitely financial reasons, as I understand it.

Senator TROOD—If that is the case, can you tell me whether or not, given all this largesse you now have, you are going to reinstate them?

Mr Wise—Again, where these new positions should be is something that the senior executive will be looking at in the coming weeks. As part of that consideration, they will be looking, among other things, at positions that have been withdrawn in the last 18 months or so to see whether any of those should be restored or whether there are another range of factors that should come into play.

Senator Faulkner—I must say, Senator, that I do not recall in earlier evidence the word ‘largesse’ actually being used. I think that might be your terminology.

Senator TROOD—I would have thought it is a term that the government would be keen to deploy in these circumstances, Minister, given the—

Senator Faulkner—It is not a technical term that I would have used. I am just pointing out that, if you are talking about increased resources—

Senator TROOD—‘Increased resources’ is another way of putting it, Minister.

Senator Faulkner—I think it is a more appropriate way of putting it.

Senator TROOD—So, Mr Wise, you can assure us that that matter is under consideration, can you—a reinstatement of those language positions which may have been removed as a result of financial constraints?

Mr Ritchie—That is one of the things we take into account, as Mr Wise said, certainly.

Senator TROOD—Would you take on notice my questions with regard to the particular posts—

Mr Ritchie—Of course, yes.

Senator TROOD—and the levels.

Mr Ritchie—Certainly.

Proceedings suspended from 3.30 pm to 3.48 pm

CHAIR—We are still considering portfolio overview. Senator Kroger has the call.

Senator KROGER—I want to turn our attention to things closer to home geographically, and the escalating problem that we have in relation to violence against the Indian students in the country. Particularly as a Victorian senator I see that we are suffering from the fallout to that, not to mention the distress to those actually being harmed and the distress to their extended family. I would like to put on record as well how we regret the difficult problems that they are facing at the moment. Mr Ritchie, can I get your input on that?

Mr Ritchie—Yes, Senator, and I will ask my colleague Deborah Stokes to say a few words. I know Mr Smith commented on this yesterday in the media. We also, like you, condemn attacks on the Indian students as we would on any students. They are guests in our country. They are a very valuable and treasured resource for us, both in financial terms but also in building a very strong and decent relationship with India. I know that Mr Smith spoke to his counterpart last Friday and made some assurances to him about our desire to pursue this issue with the state and other governments to make sure that we provide absolute security for these people. We certainly join you in utterly condemning it; it is a very bad outcome.

Ms Stokes—As David said, the foreign minister spoke to his Indian counterpart on the 29th about the issue of student safety. The Deputy Prime Minister and Premier Brumby also issued statements last week condemning the attacks. The Victoria Police in recent times have established a community reference group to facilitate communication on safety issues with the Indian community in Victoria. That group has established a 1800 number to provide information and advice to Indian students who are victims of crime. That hotline is staffed by volunteers who are fluent in English and Hindi, and the volunteers have received training from Victoria Police. This issue is obviously one of significance to us and in New Delhi our high commissioner has been addressing a lot of media questions on this matter. There is

enormous interest in India, as I think you know. Today in Canberra there is an interdepartmental committee meeting looking at what further steps can be taken.

Senator KROGER—The hotline that you are talking about, Mr Srinivasan, who I know well, is president or chairman who has actually set that up and it is a great resource. I hope that as a government we can also support it, because it would be very difficult to fully resource that from volunteers only. I commend that particular hotline to the committee. In terms of where we are currently at in dealing with it, is it still very much a state-based operation in addressing it strategically?

Ms Stokes—State and territory governments have responsibility for law and order issues, so clearly the states play the central role there. But the Australian government has a close interest in the issues and so there has already been a lot of interaction between the two layers of government. Issues have arisen not only in relation to Victoria but elsewhere, so at the Commonwealth government level we can have an oversight role and a coordinating role on approaches taken.

Senator KROGER—It is a great shame because in terms of the education industry the Indian students are great contributors to the success of that.

Mr Ritchie—Absolutely.

Senator KROGER—We have established over a period of time a great understanding and relationship and supportive cultural environment, if you like, and I know that the various higher ed campuses have worked hard in putting together support programs to assist them on their arrival and in any issues that they may have. So it is one that from a number of perspectives is pretty close to my heart. As a former council member at La Trobe University, I know that we looked at ensuring that there were programs in place to further support overseas students.

I am just wondering, given that it is particularly a problem obviously in Victoria at the moment—and there was quite a large blockade of some thousand supporters of the Indian community in Victoria yesterday shutting down the centre of Melbourne—what processes are we going through in terms of briefings? You mentioned the embassies both here and in India. What are we doing to ensure that we can maintain our strong ties and to try to minimise, if you like, the fallout from this—because I have seen, like you, Ms Stokes, though probably not nearly as much as you, much of the media coverage. It certainly does not reflect well on Australia.

Ms Stokes—Yes, we are in regular contact with the Indian High Commissioner to Australia in Canberra about this issue. She also is keeping us informed about her activities, her perspectives on the issue and her concerns. In New Delhi the High Commissioner and the high commission are in regular contact with the Indian Ministry of External Affairs on this issue. In terms of the media, our high commission is trying to ensure that accurate information is put into the Indian media. I think one of the items on the agenda today of the IDC is to look at what more could be done on this front. Another department that has a great an interest in this is the department of education. They have been playing a very helpful role in addressing this issue as well.

Senator KROGER—I guess as much as anything it is about getting the message out that we as a country condemn what has been happening.

Ms Stokes—Yes, that is right.

Senator KROGER—And that we do not in any way condone what has been going on. In terms of police investigations that will be taking place in relation to I presume individual attacks on various students and various people, have they advanced to any stage where there is a pattern of whether it is racist attacks against another race within Australia? Is there a pattern that is coming out of these investigations?

Ms Stokes—I do not know that I can comment specifically on the investigations, but I do know what the Victorian police have told us and I heard someone from the Victorian police on the radio today making similar points. The Victorian police have told us that the majority of attacks against international students are opportunistic and not racially motivated. Many of the attacks occur late at night and are concentrated along a particular western suburbs train line. So that is what the Victorian police have told us. In relation to these particular incidents that have attracted a lot of media attention, they have been very violent and I think it is too early to say. Obviously that is being investigated right now.

Senator Faulkner—Senator it may assist you to hear that, while we were here in the committee, prior to question time today the Prime Minister made a ministerial statement condemning the attacks and outlining the contact that he had had with Prime Minister Singh of India. The foreign minister has also spoken to his counterpart and there has been other activity, as Ms Stokes has indicated to the committee. I understand that the Leader of the Opposition, Mr Turnbull, also spoke in similar terms in the parliament.

Senator KROGER—I guess I would like to, in leaving this issue there, just reassert our view that this needs to be dealt with expeditiously, because we cannot sit by and let anybody else suffer the same fate as those who have been knifed or even lost their lives. Things must be dealt with as quickly as possible to ensure that it does not happen again.

Senator Faulkner—Yes, I appreciate that. I think it is critically important that there is a strong response in these sorts of circumstances. I made the point just a moment ago, because I am not sure that all senators would necessarily be aware of it because we have been a little marooned in this Main Committee room, as you know, that the Prime Minister and the Leader of the Opposition made it very clear how much these attacks are deplored. They are senseless acts of violence, and I think there is a strong commitment on behalf of all of us here in the parliament to ensure that this is dealt with, as you say, as expeditiously as possible. That is certainly a sentiment that is shared by the government.

Senator LUDLAM—I will go to a couple of specific questions, if I may, on recent events in North Korea. First of all I have a couple of general questions on the situation in North Korea. I gather that Australia does not have a mission in Pyongyang, and has not for some time, and that the North Korean embassy in Canberra closed in 2008. Is that correct?

Mr Fletcher—Yes, that is correct.

Senator LUDLAM—And what were the circumstances of the closure of the embassy? Did they withdraw?

Mr Fletcher—They decided to pull out their mission.

Senator LUDLAM—I am just wondering whether there has been any communication, formally or informally, between DFAT officials or the Minister for Foreign Affairs with representatives of the North Korean government as a result of the nuclear weapons tests?

Mr Fletcher—I do not think we have had any direct contact in the week since that test. Our ambassador designate to Pyongyang will be visiting there quite shortly—I think in the middle of June—to present credentials and will make use of that visit to convey our position.

Senator LUDLAM—Can you tell us how an ambassador designate position works?

Mr Fletcher—He is accredited to the Republic of Korea and is in Seoul but from there he is accredited to both Mongolia and the DPRF. So it is non-resident accreditation.

Senator LUDLAM—Is that a recent position that we filled?

Mr Fletcher—We have had a non-resident ambassador to Pyongyang since about 2000. There was a period in the 70s when we had a mission there. Subsequent to that I think we did not have any accredited representatives. But in July 2000 we re-establish that non-resident accredited link. At the time the ambassador in Beijing was accredited.

Senator LUDLAM—Can you tell us the Australian government's position on further increasing sanctions on North Korea after the nuclear tests given the responses that the regime and the DPRK have threatened?

Mr Fletcher—We certainly support a strong unified international response to what has been happening in relation to North Korea's nuclear program. The situation at the moment is that the United Nations Security Council is considering what response it will make and a resolution is being discussed between the countries directly concerned. We expect we will find out the outcome of that in the next few days. Probably sometime this week, we hope, there will be a resolution passed. We hope that resolution will include some stronger measures to communicate to the authorities in Pyongyang the international community's views on what they have been doing. We will need to consider whether in addition to that resolution—whatever it contains—there is scope for us to do anything separately.

Senator LUDLAM—Does Australia have any formal or informal role in guiding that resolution or are we entirely outside that process?

Mr Fletcher—We have conveyed our views to the P5 members and Japan and South Korea, which are directly involved in negotiating that resolution, including the position made clear by the Prime Minister on the weekend.

Senator LUDLAM—I am going to put this question to ASNO when we meet with them a bit later, but they are part of the department: are you aware of whether Australia's monitoring stations were part of detecting the test in North Korea?

Mr Fletcher—We do have ASNO here and they can answer that question.

Senator LUDLAM—Okay, I have a couple for ASNO.

Mr Carlson—Yes, I can inform you that Australian stations were part of the detection of the North Korean nuclear tests. Two seismic stations detected that event.

Senator LUDLAM—Can you just remind me where they are? I believe there is one just outside Darwin. Where is the other one?

Mr Carlson—There is one at Alice Springs.

Senator LUDLAM—Was that information then contributed to the CTBTO in Vienna?

Mr Carlson—Yes, it was.

Senator LUDLAM—While we have got you here, can you just tell us whether North Korea uses enriched uranium or plutonium reprocessed from its plants for the weapons that it has?

Mr Carlson—At this stage we are waiting for other information, particularly detection of emissions from the test, to be able to say for sure what the material was that was used in that explosion; but our understanding is that at this stage North Korea only has plutonium available in sufficient quantities to be able to produce nuclear weapons.

Senator LUDLAM—So they are not enriching uranium up to the degree which we suspect Iran is, for example; they are using reprocessing?

Mr Carlson—There is some indication that North Korea has a uranium enrichment program but at this stage there is almost zero information available on what the extent of that program is.

Senator LUDLAM—But it is believed that it was a plutonium device that was detonated last week?

Mr Carlson—Yes, we have a high degree of confidence that it was based on plutonium.

Senator LUDLAM—For the benefit of the committee, can you tell us about the sort of technology that the North Koreans have access to that would allow them to detonate a weapon 500 metres below the surface or however deep it was and how difficult is it to take a device like that and to weaponise it—to put it on the end of a cruise missile, for example?

Mr Carlson—That would require a substantial amount of work. For a start it would need to be ‘miniaturised’, which is what the term is in jargon, to be reduced to the size necessary to fit on a missile. Secondly, and this is another jargon term, it would need to be ‘ruggedised’—in other words, it would have to be designed in such a way as to withstand the stresses of acceleration, deceleration and re-entry in the flight of a missile. So our belief is that if North Korea is determined to go down that path then it has quite a deal of development work ahead of it.

Senator LUDLAM—Is it worth even attempting to guess in what period of time they could develop that sort of technology or is that just too difficult to gauge?

Mr Carlson—I do not think I would like to speculate but it would be some years.

Senator LUDLAM—I do have some questions that are related to ASNO but we should probably come back to those a bit later. Mr Fletcher, are you able to tell us, particularly from the Australian position that has been taken within the UN Security Council, whether the Australian government’s position is to invoke a resolution under chapter 6 or chapter 7 of the UN charter?

Mr Fletcher—At the moment our position is simply that the existing resolution, 1718, which dates from the previous test, should be implemented fully and that further measures should be adopted by the UN Security Council. We have not talked about anything under the charter.

Senator LUDLAM—So there is no conversation at an Australian government level about authorising military action or through the UN?

Mr Fletcher—No.

Senator LUDLAM—Has the minister made specific representations to China on this issue about actions the Chinese government might take?

Mr Fletcher—Minister Smith has had a number of conversations with his counterparts, and I believe he will be talking to the Chinese foreign minister tomorrow.

Senator FIERRAVANTI-WELLS—My questions relate to the component of people-smuggling and the work that DFAT is doing in that area. Could you tell me basically the department's role in relation to people-smuggling and combating people-smuggling? We heard evidence last week in estimates about the involvement of the Commissioner of the AFP, AFP, border protection and immigration and I would appreciate an overview from DFAT's perspective.

Mr Potts—Certainly. DFAT plays a key role in the international coordination of Australia's response. In Australia we participate in the new architecture in relation to the border protection—first of all, the Maritime Incident Management Group, which convenes in response to particular unauthorised boat arrivals. We also participate in the newly established Border Protection Task Force, which services the Border Protection Committee of Cabinet—our secretary participates in the Border Protection Committee of Cabinet. DFAT has also contributed resources to the Border Protection Working Group, which has been established in the Department of the Prime Minister and Cabinet. We also play a significant role in articulating our concerns, both bilaterally and multilaterally, about the threats that people-smuggling ventures pose to Australia and the region. We do that in particular through the so-called Bali process, which has been going now for five or six years and which Australia and Indonesia co-chair between them. I can give more details but that is the sort of broad outline of where DFAT sits in the scheme of things.

Senator FIERRAVANTI-WELLS—And have you been allocated extra funding? I was trying to look at where the funding is in relation to people-smuggling. Is that under program funding or in specific programs?

Mr Potts—I think we were given additional resources in two particular areas. One is that the position of Ambassador for People-Smuggling Issues to Australia is re-established as a full-time position in DFAT with appropriate support staff.

Senator FIERRAVANTI-WELLS—Where do I find that—which of the portfolio budget statements?

Mr Ritchie—If you look at page 18 of our portfolio budget statements then you will see the third one down says 'border protection addition resourcing to combat people-smuggling'. We can go through the details of how much money is involved.

Senator FIERRAVANTI-WELLS—So that is new money?

Mr Ritchie—Yes.

Senator FIERRAVANTI-WELLS—And is that where this new position is of Ambassador for People-Smuggling Issues to Australia?

Mr Ritchie—Yes, we had an ambassador for people-smuggling position which had been discontinued and we are reinstating it as a full-time position not just as a part-time position.

Senator FIERRAVANTI-WELLS—And when was it discontinued?

Mr Potts—In about 2002.

Senator FIERRAVANTI-WELLS—In 2002, yes, when the boats stopped coming.

Ms Thorpe—We received it for one year in 2002-2003. It was for one year only.

Senator FIERRAVANTI-WELLS—And in the other area? Mr Ritchie, you said that there was another—

Mr Ritchie—Yes. The situation is that the government is going to provide DFAT with \$9.7 million over two years.

Senator FIERRAVANTI-WELLS—Where is that, Mr Ritchie?

Mr Ritchie—The cost is to be funded. If you look under the third one down on page 18—

Ms Thorpe—We get funded for both operating expenses and capital. Under operating expenses, which is on page 18, you can see that in 2009-10 we have received \$4.1 million and in the second year, 2010-11, we have received \$4.555 million. If you turn over the page, halfway down the page you can see the heading 'Capital measures' and in the second item under that, Border protection, you can see that for 2009-10 we have received an additional amount of just over \$1 million. That adds up to \$9.7 million over two years.

Mr Ritchie—What that will cover, as we have partly indicated, is a strengthened Bali process on people-smuggling—Mr Potts was talking about that a second ago—with annual ministerial level meetings, reinstatement of a full-time ambassador for people-smuggling issues, supported by a small unit, and some additional diplomatic resources in major source or transit countries. Those are at our posts in Islamabad, Colombo, Kuala Lumpur and Jakarta.

Senator FIERRAVANTI-WELLS—And they are in addition to the ones that are going to be set up by Immigration?

Mr Ritchie—Yes, that is correct. This is one of those areas with specific additional staffing tied to it.

Senator FIERRAVANTI-WELLS—In last week's estimates we went through the various involvements that you have, so I will not take you through it. You have officers who attend those. In terms of specific briefings, do you brief your own minister through that process after each of them?

Mr Potts—Yes, certainly—both the minister and the secretary.

Senator FIERRAVANTI-WELLS—You would have been aware of newspaper reports in April—some of them were quite glaring, such as 'PM warned'—and various media reports

asserting that the government's change in its border protection and immigration policies had led to an increase in people-smuggling operations. Are you aware of those reports?

Mr Potts—We are certainly aware of those reports and we also listened very keenly to Senator Evans' comments at estimates last week on a similar sort of question. I think he went through the government's position on these assertions in a fairly systematic sort of way.

Senator FIERRAVANTI-WELLS—After those reports, did you make any inquiries? Was it necessary through DFAT to make any inquiries as to whether any of those reports would have come from your organisation?

Mr Potts—I do not think that it is in our role to trawl through media reports and check on their alleged provenance. Certainly, we in DFAT take the view that you need to take a much broader view on what the push and pull factors are in relation to irregular migration. We would certainly think that upsurge in various regional conflicts was a big promoter, and the global financial crisis would significantly, I think, start to kick in as well as another driving factor.

Senator FIERRAVANTI-WELLS—Having followed what was said in those estimates, you would recall the questioning in relation to comments that had been made by the Indonesian ambassador and had been quoted in the press. What is DFAT's view of those? Do you agree with the Indonesian ambassador?

Mr Potts—That question was also put to Senator Evans, and I think his response would be the same response that DFAT would give.

Senator FIERRAVANTI-WELLS—Minister Evans, in fairness, did not actually answer the question.

Mr Potts—I think he alluded to the fact that he would not approach it from exactly the same way that Ambassador Joelianto would have.

Senator FIERRAVANTI-WELLS—From DFAT's perspective and the close association that clearly Australia and Indonesia have in this area, what is your view? Do you agree with the comments that were made by the Indonesian ambassador?

Mr Potts—I think I have already answered by pointing to the wider perspective that we would take in terms of looking at factors driving irregular migration.

Senator FIERRAVANTI-WELLS—So you do not agree with the Indonesian ambassador.

Mr Potts—I do not have anything further to add to my last response.

Senator FIERRAVANTI-WELLS—So you are not answering the question.

Mr Potts—I do not have anything further to add.

Senator FIERRAVANTI-WELLS—Do I take it, therefore, that the position of DFAT is that you do not wish to comment as to whether you agree or disagree with the Indonesian ambassador?

Mr Potts—I do not wish to comment further. I have already commented.

Senator FIERRAVANTI-WELLS—I think that says it all.

Mr Ritchie—Senator Evans, representing the Australian government, has made a comment to that effect—that there are other factors and that he did not agree with the Indonesian ambassador. That is the government’s view and that is what we will rest on.

Senator Faulkner—If you were to ask me whether the Minister for Foreign Affairs had a different view, I suspect that is not the case. I can always take that on notice for you. But I am not sure it is particularly fair to ask DFAT officials to go any further than what government ministers have already put on the record about these matters.

Senator FIERRAVANTI-WELLS—I am sure if I asked officials I would get the same picture—that is, how close our relationship is, the various joint task forces and all the sorts of things that we do with the Indonesians in relation to these issues. The picture has been painted that the Indonesians are there on the spot. Bearing in mind the degree of involvement that they have—which is, as the secretary of immigration said last week, almost on an hour-to-hour basis—one would assume that, if the Indonesian ambassador makes a comment of that nature publicly in the press, he is basing that on facts and circumstances which are starkly within his purview. That is the question, and there seems to be this reluctance to answer. On the one hand we hear about building up this relationship, how close we are and how much the Indonesians are informed, but when their ambassador makes a comment in our press everybody seems to run away from it and does not want to agree with him.

Senator Faulkner—I am not sure that that is the case. As I said, Senator Evans has put a government perspective to you. On the sorts of issues you are raising, I think you know that DFAT is not the lead agency on these matters. That has been acknowledged, as I understand it. I have not seen the comments made by the Indonesian ambassador. Let me be very clear with you: I do not want to pretend to you I have seen them. I have not seen them, but I have heard you comment on them and I accept absolutely at face value what you say. I also know that the Indonesian ambassador is entitled to put whatever position the ambassador cares to put. If the suggestion is that the Minister for Foreign Affairs might have a different response or attitude than that expressed by Senator Evans, I think that is extremely unlikely. But, if it would assist you, I am happy to take it on notice. I am in a difficult position because I have not seen the comments that you are referring to. But it is perfectly reasonable to ask the officials at the table process questions about this. I do not think you should have any expectations that the officials—

Senator FIERRAVANTI-WELLS—No, Minister, I have asked the questions of the officials and I do not intend to pursue the matter. You have answered the question, so I will not take it any further.

Senator Faulkner—I do not think it is reasonable to expect officials to put a different position to that which has been put by a government minister in another committee.

Senator FIERRAVANTI-WELLS—Could I then formally ask insofar as the Minister for Foreign Affairs has anything additional to add, particularly in light of the comments that I have raised. I will leave it at that.

Senator Faulkner—I am very happy to take that on notice for you. I have told you what my expectation is in relation to that but it is only an expectation. I will take it on notice and I will ask Mr Smith to give it serious consideration.

Senator FIERRAVANTI-WELLS—Thank you. Could you also tell me a little bit about the Bali summit? I understand that Minister Smith attended with an entourage. Can you tell me how many people from Foreign Affairs actually attended?

Senator Faulkner—Just before I ask Mr Potts to respond to your question, can I indicate, as I said informally to the committee before the break, that I have just been called away to a cabinet committee. I will return as soon as I can and I am leaving you in the very capable hands of Senator Arbib.

Senator FIERRAVANTI-WELLS—He will no doubt keep us entertained.

Senator Faulkner—His job is not to entertain you, Senator! But I am sure he will be able to do that more effectively than me.

Senator Arbib—I doubt that. I will try.

CHAIR—Welcome, Senator Arbib. Senator Fierravanti-Wells, you might ask the question again.

Senator FIERRAVANTI-WELLS—I was asking about the Bali summit. I understand Minister Smith attended, along with Minister Evans and Minister Debus. There was some question last week about the number of people in the Australian delegation. Could you assist me with how many people from DFAT attended?

Mr Potts—I did take it on notice to be precise, but recollection—I underline ‘recollection’—I think there were four DFAT officers from Canberra, several DFAT officers from the embassy in Jakarta, including the ambassador, and three or four from the consulate in Bali, who were assisting. So I think about a dozen, but I can supply a more precise answer on notice.

Senator FIERRAVANTI-WELLS—I was told 43, so I am keen to ascertain the number of people who attended as part of the Australian delegation.

Given the nature of people-smuggling operations, it is clear from the evidence we heard last week that there are quite a number of organisations that are involved. Without going into the content of briefings, I would assume that DFAT both generates its own material for analysis and also takes briefings from other agencies on this issue. Could you elaborate on that?

Mr Potts—We brief our minister, our secretary and also our deputy secretary when she participates in meetings of the border protection working group. We see some material from other departments but essentially agencies and departments brief within their portfolio. We get the benefit of agency perspectives in IDCs or in other interdepartmental working groups. I do not know if I have answered your question, but it reflects my understanding of where you are coming from.

Senator FIERRAVANTI-WELLS—My point is if there was a report like strategic intelligence type reports, would they come to DFAT as a matter of course?

Mr Potts—No, not necessarily. I think it is important to understand that DFAT is not an operational agency in the way that, say, the Federal Police or even elements of the Immigration and Citizenship portfolio but might be. We tend basically to be a central policy

agency on the one hand and, secondly, to run the international diplomatic engagement side of people-smuggling diplomacy on the other.

Senator FIERRAVANTI-WELLS—You obviously followed the questioning last week. Senator Brandis made reference to a report entitled ‘Strategic forecast for transnational criminal trends and threats’. It is commonly referred to as a strategic intelligence report. Would that be something that would have been provided to DFAT?

Mr Potts—Not necessarily.

Senator FIERRAVANTI-WELLS—Would you take on notice whether it was provided to DFAT?

Mr Potts—I certainly do not recall it, but I will be happy to check on notice.

Mr Ritchie—I might just say that if it is intelligence material we generally do not comment on intelligence matters.

Senator FIERRAVANTI-WELLS—I appreciate that, Mr Ritchie. It is just that we had some difficulty ascertaining last week the actual existence of this document. As a consequence we are now asking various agencies whether they are aware. If you could take it on notice, I would very much appreciate that.

Senator TROOD—I want to ask about the Durban conference. Is that you, Mr Potts?

Mr Potts—It is indeed.

Senator TROOD—You are having a busy day.

Mr Potts—Happy in the service.

Senator TROOD—Of course, as we all are. Perhaps you can begin by reminding us when the proposal for the Durban review conference was announced.

Mr Potts—I think the proposal for the review conference was part of the outcome of the Durban conference itself. A lot of UN conferences tend to have a program of work in their wake and I think it was always understood that there would be a review conference down the track.

Senator TROOD—So there was always going to be a Durban II conference. Do you know when the date for that was formally set?

Mr Potts—I would have to take it on notice. I would say early last year, from recollection, early 2008.

Senator TROOD—Can you tell us what the department’s actions were in relation to preparing for the conference?

Mr Potts—In general terms I can. We tasked the mission in Geneva to report on their understanding of the preparatory process. They obviously spoke to the office of the High Commissioner for Refugees. From my recollection, the preparatory process did not begin in a meaningful way until the second part of last year.

CHAIR—Human Rights, I think.

Mr Potts—I think early on it was announced that Israel decided not to participate in the preparatory process. We gave instructions to the mission to monitor progress and to report on what was happening but not to take a particularly forthright or active stance in the work of the preparatory process. We wanted to see at that stage what direction its work would proceed in.

Senator TROOD—Have you been involved in this process all along, since early last year? Were you the officer in Canberra here?

Mr Potts—Yes. Some of my colleagues are much closer to the detail but certainly it has fallen under my division.

Senator TROOD—And you have been in charge of that division during this whole period of time?

Mr Potts—For the last two years certainly.

Senator TROOD—That is what I thought. So it has largely been on the basis that you have been giving instructions to our mission in Geneva as to how the government wishes to manage our participation or potential participation in the conference. Is that the situation?

Mr Potts—I think it was more that the government wanted to see the flavour of the preparatory process and what sort of document or what sorts of proposals delegations would bring to the preparatory process in terms of putting in a final document. We wanted to get some sense of whether we would see a repeat of Durban I or whether it might go in a different and hopefully more constructive direction.

Senator TROOD—As you say, Durban I was, from our perspective, not a very constructive conference, was it?

Mr Potts—Correct.

Senator TROOD—In fact the outcome was deplorable in many ways, would you not say?

Mr Potts—Yes, indeed.

Senator TROOD—When did the preparation conference conclude?

Mr Potts—The review conference itself took place in Geneva from 20 to 24 April. The preparatory conference, I think, was almost immediately before.

Senator TROOD—Days before or months before?

Mr Potts—Days before.

Senator TROOD—Did you prepare a brief for the minister at all in relation to this matter?

Mr Potts—Numbers of briefs went to the minister in the course of the preparatory process.

Senator TROOD—Do you know when the first of these briefs was sent to the minister?

Mr Potts—It would have been towards the end of last year, I think. That might not have been the first either, with respect, Senator. Certainly I can remember a submission going to the minister towards the end of last year.

Senator TROOD—So it was a submission?

Mr Potts—Correct. It was a series of submissions.

Senator TROOD—About the conference.

Mr Potts—About the preparatory process.

Senator TROOD—And about Australia's participation in the process?

Mr Potts—Not always, no. It was more asking the minister to note where aspects of the preparatory process had arrived at.

Senator TROOD—So you were advising the minister of progress that had been made.

Mr Potts—We were keeping him informed.

Senator TROOD—Keeping him informed about developments on the subject. When was the matter of Australia's participation in the conference as a whole first brought to the minister's attention specifically?

Mr Potts—I do not know that it was necessarily brought to the minister's attention specifically, in the sense that I think the government was keenly aware of the political sensitivities around attendance at the Durban conference, so it was always an overhang over our approach to the preparatory process.

Senator TROOD—Simultaneously the Australian Human Rights Commission was also considering its participation in the conference. Is that right?

Mr Potts—I cannot speak for the commission, but I understand anecdotally that that is the case.

Senator TROOD—Some countries—and you have mentioned Israel—actually withdrew from the conference. They made it clear that were not going to participate in the conference. When did that occur? When did Israel declare it was not intending to participate?

Mr Potts—It was some time in 2008, I think. I would have to take it on notice in terms of exactly when.

Senator TROOD—Several other countries who are certainly friends of ours in the international community also decided not to participate in the conference. Is that correct?

Mr Potts—Yes, indeed.

Senator TROOD—Do you have those dates?

Mr Potts—No, I do not have the dates. I have the countries but not the dates.

Senator TROOD—Which countries do you have?

Mr Potts—The countries that decided not to participate in the conference were Australia, Canada, Germany, Israel, Italy, the Netherlands, New Zealand, Poland and the United States. The Czech Republic subsequently withdrew in the course of the conference itself.

Senator TROOD—Do you have a note somewhere in your files as to when these countries advised that they were not participating?

Mr Potts—Not in these files here.

Senator TROOD—Perhaps you could take that question on notice and see if you could find out for me when we became aware that these countries were not intending to participate in the conference.

Mr Potts—I would be happy to. I think, from recollection, Israel was first, then Canada and then the United States. I think Israel and Canada may have been last year; the United States was certainly well into this year. Most of the others took decisions not to participate in the few days before 20 April, when the review conference opened.

Senator FERGUSON—Were we the last?

Mr Potts—No, I do not think we were.

Senator TROOD—We announced our intention not to participate on 19 April?

Mr Potts—That is correct.

Senator TROOD—Was the announcement by the minister reflecting a decision that had been taken that day or recently? How close to that announcement was that decision taken?

Mr Potts—I think that reflected the minister's consideration of the issue over two or three days.

Senator TROOD—Were these days immediately prior to the announcement?

Mr Potts—Yes.

Senator TROOD—He could have been considering it over two days a month earlier.

Mr Potts—No. I think it was an intense period of focus on whether we should participate or not.

Senator TROOD—Why had this become an issue? Why was the minister suddenly focused on this matter?

Mr Potts—I do not think it was a case of being focused just then. He had been focused on a number of occasions. The Durban negotiations were pretty complex; they had multiple twists and turns. At one stage things went in a very negative direction. A number of countries then intervened and the whole negotiation took a more constructive turn. At the end of the day, what the government wanted to do—and I think the minister told the House on 12 March—was to give the working group, which was the group that was preparing the documents, 'every opportunity to revise the text in a qualitatively improved way.' At that stage on 12 March, there was a potential for things to get better. We worked with a range of countries in Geneva to produce a better document, and I think it is fair to say that we got some qualitative improvements but ultimately they were not enough. Our bottom line was that we could not support a document that reaffirmed the 2001 declaration in its entirety. We also had a worry that the review conference itself would again be used as a platform to air offensive, anti-Semitic views.

Senator TROOD—Was that not clear from the very outset? If not from the outset, was it not at least manifestly obvious as the preparations for the conference took place?

Mr Potts—It was obvious at times. As I said, at other times the negotiations went in a different and more constructive direction. It was very much a seesawing process.

Senator TROOD—But you and the department have been watching these things for quite a while. Was it not pretty clear towards the end of last year that the direction of the conference, if not precisely the way in which Durban I had gone, was likely to be a

conference which would produce at least as likely offensive a result as the kind that was produced in Durban I?

Mr Potts—No. I do not think that is the case. The atmospherics were not particularly good but the document itself was very much a curate's egg: it had some very good elements and some very offensive elements. It was a question then of how negotiations would go to produce a balance between those countervailing texts. I think the government was, as Mr Smith said, prepared to allow delegations the opportunity to work through to see if we would get a more acceptable document.

Senator Arbib—If I can just add to that, it is my understanding that the United States government were also negotiating to try and improve the resolutions, right up until the time they pulled out.

Senator TROOD—Was it an issue, a particular event or the conclusion of the text which finally decided the government—or you, in your advice—that Australia should not participate?

Mr Potts—The key issue for the government was that the document which was to be put to the conference reaffirmed the outcomes of the Durban I declaration in its entirety.

Senator TROOD—Had that not been clear as the preparatory work was continuing?

Mr Potts—All of these issues were part of a possible trade-off at the end of the day.

Senator TROOD—But that was certainly part of the discussions?

Mr Potts—It was certainly part of the discussions, yes.

Senator TROOD—And it was always part of the document, wasn't it, that there would be an affirmation of the outcomes of Durban I?

Mr Potts—In any drafting process, there are all sorts of propositions and so on. Any contentious ones are put in square brackets. This was obviously square bracketed. We felt—and I think we were correct—that, until the closing days of the working group, when we had a clear sense of what would be the likely outcome from the working group, we might have got a better document, one that in fact modified in some way the view of the Durban I declaration. That proved not to be the case.

Senator TROOD—But there was never any sign, was there, that the Durban I affirmation might be removed from the document?

Mr Potts—Privately a number of constructive non-aligned delegations that wanted a good conference, I think, were prepared to look outside the square, if you like, on this. It was the efforts of those delegations and some Western delegations that encouraged us to continue participating until we had a clear sense of what the outcome would be.

Senator TROOD—I suppose diplomacy has to be an optimistic endeavour—

Mr Potts—It does.

Senator TROOD—but it seems to me that, from the very outset, there was almost no chance that there was going to be a stepping back from the affirmations and the support that was in the Durban I document. You were extremely optimistic about that, I would have

thought. When did it come to the department's attention that the Human Rights Commission was interested in participating or intending to participate in the conference?

Mr Potts—I will have to take that on notice. Certainly we had some informal indications of interest, but I do not have dates in this brief. I do know that there was interest in December from the commission asking whether—

CHAIR—I might be of assistance there. There was formal communication from the Human Rights Commission to your department, and that correspondence was tabled and discussed at estimates last week, in the legal and constitutional affairs committee.

Mr Potts—I have references to a letter from the HREOC president, John von Doussa, on 25 July, asking Mr Smith for information on the government's approach to the Durban process. There was a response—much later than it should have been—in December, noting that at that stage the government had made no decision.

Senator TROOD—Was the letter of 25 July from Mr von Doussa the first notice, that you are aware of, of the commission's interest?

Mr Potts—To my knowledge, yes.

Senator TROOD—As you said, there was a response on 16 December from the minister. What happened between July and December that it took so long for there to be a response? Mr von Doussa says in his letter, which, as the chair has said, has been tabled:

... I would be most grateful if you could inform me of the Australian government's position ...

Mr Potts—There was some difficulty in the drafting. It was received in my division on 4 August. A draft was sent to the minister's office shortly thereafter.

Senator TROOD—How shortly thereafter?

Mr Potts—On 7 August.

Senator TROOD—So, within three days of this document from the commission arriving in the department, the department was efficient enough to draft a response for the minister's consideration; is that the evidence you are giving?

Mr Potts—That is my understanding.

Senator TROOD—What happened then?

Mr Potts—The reply was returned to the department for a redraft.

Senator TROOD—When did that occur?

Mr Potts—On 5 December.

Senator FERGUSON—Only three months.

Senator TROOD—I see. So from August to December there was no response to this letter, which specifically requested advice as to the Australian government's position with regard to the review conference, during which period, as you have told us, the department was actively monitoring the progress of the preparations for the conference; is that correct?

Mr Potts—I think it is fair to say that a reply was under consideration.

Senator TROOD—Indeed. Was it such a complex matter that the considerations were so difficult? In the end, the minister's response was four paragraphs.

Senator Arbib—I would have thought that would be an issue for the minister. I am happy to chase up a response for you, but certainly you are asking about ministerial correspondence.

Senator TROOD—Perhaps. Let me just clarify this: you sent a draft in a matter of days of receiving the letter from the commission and it was returned as needing work. When did the redraft arrive back in your office?

Mr Potts—On 5 December.

Senator TROOD—Over those four months or so did anybody contact the minister's office saying, 'We really need a response to this'?

Mr Potts—That is something I would need to take on notice for you.

Senator TROOD—Perhaps you would do that, would you?

Mr Potts—Yes.

Senator FERGUSON—Mr Potts, you could find the answer to that pretty quickly. Quite frankly, you must have expected questions along this line about the conference. The answer to why a response was not made in a four-month period is something I would have thought you would have on hand.

Mr Ritchie—I am not across the detail as much as Mr Potts, but it strikes me that we should probably do a little investigating and make sure we have all the facts correct before we respond to you on that.

Senator TROOD—I think that is an excellent idea, because there seems to me much to investigate.

Mr Ritchie—I am not at all sure that we are being totally comprehensive about all the contacts. I honestly do not know the answer to that. I think that is probably something we had better make sure we are clear on before we get back to you.

Senator TROOD—I would be grateful for that, but I might proceed with these questions because there may be other matters that require clarification. Rather than doing it separately, we may as well do it altogether.

CHAIR—Senator Trood, you have a number of documents in your hand which neither the officials nor your colleagues have been able to access in order to follow your discussion. Are you intending to seek leave to table those documents?

Senator TROOD—I would be very happy to seek leave to do so, if that would be convenient. I seek leave to table them.

CHAIR—Leave is granted.

Senator FORSHAW—What is the origin of those documents? Have they been tabled in another committee?

Senator TROOD—They were tabled in estimates last week.

CHAIR—They are public documents.

Senator FORSHAW—That is why I asked. That is how you have come to have them.

Senator TROOD—I suppose there is a question, Chair, as to whether, if they have been tabled in one estimates committee, they need to be tabled again, since they have been tabled in the Senate.

Senator FORSHAW—I would like to have a look at them. That is what I am saying.

CHAIR—Senator Trood, if they have been tabled, the point you raise is of interest but, nonetheless, I do not think we can have a useful discussion if neither the officials nor your colleagues know what you are talking about. The documents will be tabled again at this committee and we can get copies made and circulated.

Senator TROOD—I am very happy for that to be done, Chair.

Senator BARNETT—I am not sure if you are leaving this topic, Chair, but there are a range of questions that I would like to raise with Mr Potts. To highlight the point that Senator Trood made, all this came up at the Senate Standing Committee on Legal and Constitutional Affairs last week. We put it on notice. We said that we would be following up in the Senate Standing Committee on Foreign Affairs, Defence and Trade. I just wanted to flag with you that that is in *Hansard*, and that we raised it and discussed it at some great length, and that that is why we are here again—to pursue the matter.

CHAIR—That is right. You are pursuing the matter, and Senator Trood has now sought leave to table documents previously discussed. They are being copied and will be circulated, and when they have been the questions will resume. If in due course you are seeking the floor, you will be given it, Senator Barnett.

Senator TROOD—Chair, I am happy to go on to another topic until such time as that task has been completed, if that would serve the interests of the committee.

CHAIR—I think that would be useful.

Senator FORSHAW—Mr Potts, you were asked some questions a moment ago by Senator Trood about what was and was not changed in the draft declaration. Specifically, you were asked about the reference to endorsement of the Durban I conference, which was a pretty crucial issue that ultimately was not removed. Can you give us a sense of what significant changes, if any, were made during the negotiation process? My recollection is that there was a reference either to Israel or Zionism or something along those lines, which, it was agreed, would be removed. Could you elaborate on what successes, if any, were achieved in that regard?

Mr Potts—There were a number of very positive outcomes from the preparatory process. I think there were four difficult clusters of issues. One was a whole set of propositions about the Middle East. Secondly, there were some references and some language which could be considered anti-Semitic. There was language which tended in the direction of Holocaust denial, and there was a cluster of language around the question of religious vilification. They were the four lots of difficult language that were renegotiated. The Holocaust and the anti-Semitic elements went out. The other two areas—the Middle East and religious tolerance or anti-vilification—were redrafted to language which, I think, would have commanded general consensus. So the problem remained for Australia that, while you had all of this positive

development, at the same time, in a sense, it was countered by the proposition that, regardless of those outcomes, the document still upheld the outcomes of the language of the first Durban. So, in a sense, our minister took the view that the conference was kind of walking both sides of the street.

Senator TROOD—But it was always doing that, Mr Potts, wasn't it?

Mr Potts—In most international negotiations, people try and keep their ideas in play on all sides of the debate.

Senator TROOD—But there cannot be any moral doubt about some of those questions can there? On those four questions, there would not be any arena in which Australia would want to stand and say that we are supporting them.

Senator FERGUSON—Or ambivalent even.

Mr Potts—The outcomes on those were generally acceptable. It was simply the reaffirmation of Durban I that remained the issue that stuck in the government's craw or in Australia's craw.

Senator TROOD—The whole odour around the conference smacked of anti-Semitism, racism, vilification, anti-Zionism—all of the things that Australia for years has stood against in the international community. Isn't that right?

Mr Potts—Only to a point. Apart from the egregious and remarkable speech by President Ahmadinejad, nearly all of the country statements, if you like, at the conference were generally unremarkable. The tone of the national statements compared to Durban I was significantly improved. But it was the nexus between Durban I and the review conference which was the straw that broke the camel's back, if you like, from the government's perspective.

Senator TROOD—And it was not clear that that straw was going to break this particular camel's back until 19 April or two days before as you have said. Is that right?

Mr Potts—The government wanted to give the chances of an acceptable outcome reasonable oxygen.

Senator TROOD—The government wanted to give our opponents in the international community that support this kind of ghastly behaviour some opportunity to redeem themselves.

Senator Arbib—I think the officials have responded that we were working with numerous countries, including the United States, to try and find an appropriate negotiating position. When it found that it was unable to do that the government took action not to attend. But at all times we were working with other countries, including the United States.

Senator TROOD—I understand that to be the government's position, but the proposition I am putting to you is that this was always going to be the direction of this conference. This kind of outcome was always likely. Israel saw it from the very beginning or at least part of the way through the year and Mr Potts has yet to advise us when the date was. They realised the danger here and decided to pull out of the conference. Early in the year some of our friends in

the international community similarly sniffed the wind and saw the direction of the conference and they too pulled out of the conference.

Senator FORSHAW—Point of order, Chair. It probably will be ruled as not, but I think it is important that, when you put propositions to the witnesses, you actually do not misrepresent the earlier evidence. The evidence is clearly on the record that Canada announced it would withdraw. You talk about ‘some of our friends’, but there were lots of our friends that actually were still in the position of not having formally announced a withdrawal from the conference, including the United States.

Senator FERGUSON—Read the list that were withdrawn by March.

Senator TROOD—I did not say ‘all of our friends’, Senator Forshaw, I said ‘some of our friends’. That is a category that I think applies to countries like Canada and the United States eventually, the Netherlands and New Zealand.

Senator FORSHAW—The position of the United States was not that they would withdraw. You know that. They said that they would not participate if the draft was not improved. That was their position. That has a slightly different connotation to the one you are putting on it.

Senator TROOD—Let me proceed on the matter that was interrupted. There were four months or so before we got a response to this question, Mr Potts, from the minister’s office. As you will see from the letter of 25 July, in the last paragraph the commission asked for advice as to the government’s position. You, being a diligent officer, were alerted to that question. You prepared a response and sent it off to the minister’s office within a matter of days—all very commendable. Then it took an astonishing amount of time before there was a response to this question.

Senator FERGUSON—Five months.

Senator TROOD—You are going to investigate, as I understand it, whether or not during that period of five months you actually prompted the minister’s office by saying, ‘We need a response.’ During this period of time the commission, as I understand it, was preparing its position for the conference. Were you aware of that?

Mr Potts—Only in the most general terms. The commission, after all, is not part of the Foreign Affairs portfolio.

Senator TROOD—No, of course.

Mr Potts—It is part of the Attorney’s portfolio.

Senator TROOD—But the commission had advised the minister and you at the same time of its intention of seeking guidance as to participation in the conference. That letter intimates that it proposed to take a position in relation to the second conference, doesn’t it?

Mr Potts—I read the letter as President von Doussa asking the minister what the government’s position is going to be. It does not say anything about the commission’s position in relation to the review conference.

Senator TROOD—No, but the last sentence is:

HREOC is keen to remain cognizant of developments in this area at the international level.

So at the very least it is taking an interest, is it not, in developments?

Mr Potts—Yes.

Senator TROOD—Eventually, after considerable incompetence it seems to me, the minister and the department responded in December to the commission, advising of the uncertainty that the government had about the matter. The third paragraph says:

... the Government has not yet decided whether Australia will participate ...

And the commission then wrote back to tell the government that it intended to participate. Is that right?

Mr Potts—That is correct.

Senator TROOD—The second sentence of the letter of 14 January says:

I would like to inform you that the Australian Human Rights Commission has decided that it will participate in the Conference.

Did any bells start ringing in the department when that occurred, or were you welcoming of the commission's participation? What happened as a consequence of that advice?

Mr Potts—We would have received this letter in the usual way. I cannot recall what annotation the minister's office put on it. Normally the minister's office decides whether it is for information or for direct reply. I would need to take that on notice.

Senator TROOD—Can you recall whether you saw this letter shortly after its arrival?

Mr Potts—I am sorry to say that I do not normally see ministerial correspondence. That is seen by my branch heads.

Senator TROOD—I see. Are you aware of whether or not the minister passed it down the line to the department and said, 'Look, I have this letter from the commission. Tell me what to do about it.'

Mr Potts—I cannot help you at the moment. I may be able to help you later.

Senator TROOD—Perhaps you could take that on notice as well, as to whether or not the letter from the commission of 14 July was passed on to the department, when it was passed on, and what the department did about it.

Senator Arbib—Could I respond. In relation to the letter from the minister, the government was considering its position throughout the second half of 2008 and in the lead-up to the conference. With respect to the question you are asking, the answer is largely academic. If the minister's response to the Australian Human Rights Commission had been provided any earlier, it would have been exactly the same response. The government had yet to make a decision with respect to attending the conference; therefore, the letter would have been the same.

Senator FERGUSON—It might have been largely academic for you, Senator.

Senator TROOD—Senator Ferguson took the words almost out of my mouth. It may have been academic to you and to those in the department who were monitoring this matter, Senator Arbib, but it is not clear to me that that was the position in relation to the commission,

because the commission says, in its letter of 14 January, 'Should you wish the commission to reconsider its above decision', et cetera.

Senator FERGUSON—That is an invitation.

Senator TROOD—There is at least an intimation that the commission would like some advice from the government as to whether or not it proposes to proceed with the participation in the conference or not.

Senator Arbib—At that time, Senator, the government was still deciding whether to attend the conference. So the letter would have been the same.

Senator FERGUSON—So the government ignores this letter. They get a letter of invitation saying, 'Should you wish us to reconsider your decision', and the government totally ignores it. There is no sign of any response to the letter. I do not even know that it was acknowledged.

Senator TROOD—Even now it is not clear that there has been a response to the letter. Not that it would make any point, of course.

Senator Arbib—Sorry, there was no response—

Senator FERGUSON—There is no acknowledgment or response to this letter where you are invited, 'Should you wish us to reconsider the decision'.

Senator Arbib—You assert that. We do not know that. You have tabled limited correspondence. We do not know whether there was or was not a response.

Senator FERGUSON—Was there a response?

Senator TROOD—I asked Mr Potts—

Mr Potts—I do not believe there was a response. I think the difficulty was that, while Ms Branson asked, 'should you wish the commission to reconsider its above decision' it was very difficult for the government, seeing that the government itself had not made a decision on its own participation.

Senator TROOD—But it could have written back, could it not? It could have written back and said, 'We got the letter. At the moment this matter is under consideration. We have not finally decided whether or not we are going to participate.' And it could have said, 'You may proceed with your preparations', or 'you may not'—

Senator FERGUSON—Or 'We would prefer you did not.'

Senator TROOD—Precisely.

Mr Potts—The trouble was that I do not think you could say any of the latter at all, because it had not come to a view on its own participation.

Senator TROOD—So the department did not think there was any need to provide any guidance to the commission about what it should do on this matter.

Mr Potts—It is not just the department that provides guidance to the commissioner. It is the Attorney-General's Department as well.

Senator TROOD—The department had carriage of this matter, did it not?

Mr Potts—Yes.

Senator TROOD—Your division of the department was primarily responsible for Australia's response to the Durban Review Conference. Where else in any agency of government might there be a response other than from your division of the department?

Mr Potts—The response, I think, would come at the ministerial level, in the sense that it required a decision by the government as to whether it would participate in the review conference. That decision was, as we know, taken on 19 April.

Senator TROOD—It is already clear how lacking in diligence the minister's office was in responding to these matters. Five months before he responds to a letter.

Senator Arbib—Could I also add to this. As you know, the Australian Human Rights Commission is and has always been an independent statutory authority. In this case, the commissioner's attendance was a decision for the commission as an independent statutory authority. He attended the conference in his own capacity as an observer.

Senator FERGUSON—They were asking for guidance.

Senator Arbib—Sure. But he was not representing the Australian government at the conference.

Senator TROOD—I understand its status in the general scheme of things. But it was at least sufficiently conscious of its position, as amongst the agencies of government, to write to the minister and to advise the minister of its intentions with regard to the review conference.

Mr Potts—With respect, I think it was more than an intention. Ms Branson advises the minister that the Human Rights Commission has decided that it will participate in the conference.

Senator TROOD—The department of foreign affairs and the minister, and presumably the Prime Minister, have not taken a decision as to whether or not it is going to participate in this important conference, yet the Human Rights Commission has made a decision on a very sensitive issue. It has decided to participate in what is going to be, and what gives all signs of being from the very beginning, an extremely controversial international activity—and nobody in the department of foreign affairs is worried about it, it seems.

Mr Potts—There are two practical problems. First is the issue that Senator Arbib referred to—that is, the statutory independence of the commission. The second issue, of course, was that, until the government had formed a considered view of whether it was going to attend Durban or not, it would be very difficult to engage the commission in terms of giving them substantive guidance.

Senator TROOD—But you have said from the very beginning that this was a matter that is likely to be controversial internationally and here at home. There cannot be any question about this not being a matter which might have been of deep concern to the Australian government, can there?

Mr Potts—Clearly, through public statements, such as the minister's comment in parliament in March, the government was focused on the issue but also took the view that it was prepared to give the process in Geneva a last chance to deliver.

Senator TROOD—I see what the government's position is. Let me just clarify this: what is your understanding of an agency of the Australian government, even though it is statutorily independent, going out into the international arena and being an active participant in a conference? Does that not suggest to you Australian participation?

Mr Potts—I do not think so. Commissioner Calma attended as an observer, not as a delegate, and, secondly, was not behind an Australian nameplate but, I think, behind 'Australian Human Rights Commission'.

Senator FERGUSON—You think nobody knew where he came from?

Senator TROOD—It is called the Australian Human Rights Commission.

Mr Potts—I think it is well understood in Geneva that national human rights institutions set up under the so-called Paris principles are independent statutory bodies. There is a raft of them around the world.

Senator TROOD—So it did not worry you that Australia might be seen as giving aid, comfort and succour to this enterprise.

Mr Potts—I cannot comment as an official on that.

Senator TROOD—You can comment as an officer of the department as to whether or not you think there would have been any confusion about Australia's participation, or an element of the Australian government's participation, in the conference.

Mr Potts—It was certainly not raised by any other delegation.

Senator Arbib—The Australian government made its position clear—that we were not attending and that the Australian Human Rights Commission representative was an observer and not representing the government.

Senator FERGUSON—The day before it started, you made a decision.

Senator TROOD—The day before, you made a decision about nonparticipation, by which time, one imagines—

Senator FORSHAW—The facts are that for quite some time—and this was very clear publicly—the government had grave concerns about it and was monitoring the process of the negotiations under the draft declaration. To suggest that the government just decided at the end and that nothing else had happened I think is a gross misrepresentation.

Senator FERGUSON—It looks as though their grave concern was over a few votes for a seat on the Security Council.

Senator FORSHAW—If that is the case we would not have done it, would we?

Senator BARNETT—Senator Trood, at an appropriate time I would be most anxious to pursue these points.

Senator TROOD—I am quite happy to allow you to pursue it.

Senator FERGUSON—Before Senator Barnett starts, there is just one clarification, I think. When the government decided that it was not going to participate, the day before the conference started, did it immediately convey that decision to Mr Calma?

Mr Potts—No, it did not. We should have informed the commission of the government's decision not to attend the review conference.

Senator FERGUSON—Why didn't you let him know?

Mr Potts—It was an oversight. I believe it was a Sunday; that was part of the problem. The other problem, of course, was that Commissioner Calma was already in Geneva.

Senator FERGUSON—That is some oversight, I must say—not to let him know the government's decision. I cannot believe it. There is another question, of course, which is probably more to the point. I happened to be away at the time and was reading international newspapers on this particular issue, and the most prominent highlight of the whole conference was during President Ahmadinejad's speech, when a large number of like-minded people left the conference—stood up and walked out while he was speaking. Was Mr Calma one of them?

Mr Potts—I cannot speak for Mr Calma's—

Senator FERGUSON—You do not know whether he left the conference.

Mr Potts—No, because our people were not there.

Senator FERGUSON—You have no idea whether, when that outrageous speech was being made, he walked out with other like-minded countries.

Mr Potts—Australian diplomats were not in the chamber, so it is difficult—

Senator FERGUSON—But you have never bothered to follow it up to see whether he left?

Mr Potts—I have no authority to question an officer from another portfolio.

Senator FERGUSON—It is not a matter of questioning another officer.

Senator Arbib—It really is a matter for the Australian Human Rights Commission or the Attorney-General.

Senator FERGUSON—It is not, because he was there as an Australian. The Australian government took a particular view. The commission was asked—

Senator Arbib—He was there as an observer.

Senator FERGUSON—The President of the commission asked if we wished the commission to reconsider their decision to attend, and the total inaction of the government meant that they did attend, and people who were there knew that they were Australians representing the Australian Human Rights Commission. Other like-minded people left the conference—they stood up and walked out while Ahmadinejad was speaking. I do not know for sure, but my understanding is that Mr Calma and his delegation did not leave when other like-minded countries did.

Senator Arbib—I understand that, Senator, and I am saying to you that that is an issue for the Human Rights Commission—

Senator FERGUSON—I think it is not; it is more than an issue for the Human Rights Commission.

Senator Arbib—and also for the Attorney-General's Department.

Senator FERGUSON—I think you will find it is more than that.

Senator FORSHAW—You could have asked that question last week.

Senator FERGUSON—I was not here last week. I am not on the legal and constitutional committee.

Senator FORSHAW—Everybody is on that committee as a participating member.

Senator BARNETT—Just to confirm and back up the questions asked so ably by Senator Trood and Senator Ferguson, it is clear that the department and the minister were put on notice on 25 July last year, when that letter was written from the commission saying that they would like to be informed as to the government's position. The minister responded, it seems, on 16 December, when he specifically said in his last sentence:

I have requested that the Department of Foreign Affairs and Trade (DFAT) contact the Commission as soon as possible once a decision on this issue is made by the Government.

So he has made it very clear that communication will be made with the commission once a decision is made. We have also had confirmed in evidence not only in the last few minutes but last week that there was ongoing communication and dialogue between the commission and the department and, I assume, via the department to the minister's office. In the letter to the minister from the commission on 14 January, it was made very clear that the commission would be attending, and the minister was then officially put on notice with that last paragraph, which was indicated again by Senator Ferguson. It reads:

Of course, should you wish the Commission to reconsider its above decision, I will arrange for the issue to come before the Commission again—together with any material that you might wish the Commission to take into account in reviewing the decision.

So you were put on notice at that time, in January, that they would appreciate further communication and advice. The nub of this, it seems to me, is that, notwithstanding the three pieces of correspondence before us and the ongoing communication, the minister has placed the government in a diabolical position the day before the conference, having boycotted the conference on 19 April when the conference starts on 20 April and goes till 24 April.

So we now have what I would say is two foreign policies. You have the Australian Human Rights Commission, a taxpayer funded entity, attending, sending a message that it is okay and appropriate, and on the other hand you have the minister boycotting it the day before. The key question is this: when did that communication take place between the minister and the commission to say that the conference had been boycotted, was being boycotted, will be boycotted, and what further correspondence or communication has taken place between the minister and the commission?

Senator Arbib—I really do think that is a matter for the minister. I am happy to try and find out that information for you today and get back to you.

Senator BARNETT—With respect, Mr Potts indicated in an answer to Senator Ferguson just a few moments ago that to his knowledge and in his understanding there was no communication between the department and/or the minister and the commission. Is that correct, Mr Potts? Did you answer that?

Senator Arbib—Sorry, Senator—

Senator BARNETT—I am asking the question, Senator. I would appreciate an answer.

Senator Arbib—I am sorry, Senator. That is not the question you just asked. You were asking a question about when the minister provided correspondence to the commissioner. That is the question you asked, and I am saying that I am happy to go away and attempt to find that information for you.

Senator BARNETT—Thank you for that. Can I put a question to Mr Potts. Are you aware of any correspondence or communication between either the department or the minister that confirmed to the commission that the government had boycotted the conference?

Mr Potts—No. I already answered that question when I was asked why we did not honour the last sentence in the minister's letter of 16 December, in which he says to President von Doussa:

I have requested that the Department of Foreign Affairs and Trade (DFAT) contact the Commission as soon as possible once a decision on this issue is made by the Government.

I made the point that the government took the decision on 19 April, that it was in a media release of the same day but that we failed—and I take responsibility for this—to inform the commission directly of the outcome of the government's decision. That was an oversight.

Senator BARNETT—What further communication, if any, has the department had or, to your knowledge, has the minister had with the commission since the boycott on 19 April regarding the conference?

Senator Arbib—In relation to the minister, I have told you already that I will attempt to find out that information for you.

Senator BARNETT—Indeed. I appreciate that, Senator Arbib. What I am asking Mr Potts is: what communication has been had between the department and is there any correspondence or communication that he is aware of between the minister and the commission since the boycott announcement on 19 April?

Mr Potts—Between the minister and the commission—I think Senator Arbib has already answered that.

Senator BARNETT—And yourself?

Mr Potts—None.

Senator BARNETT—So there has been no communication or advice—letters, correspondence—between the department and the commission since the boycott was announced on 19 April?

Mr Potts—I do not believe so—not on the Durban conference itself, no.

Senator BARNETT—That almost beggars belief; notwithstanding, I accept the advice. But how is it possible, noting the significance of the conference and the fact that the government has just boycotted the conference, which is of such international controversy and concern, that there has been no further communication between the commission and the department?

Senator Arbib—Senator, can I just say again that the Australian Human Rights Commission's attendance at the conference was a decision for them. They are an independent statutory authority. They are only there as an observer.

Senator BARNETT—The commission has had an ongoing relationship, ongoing communication, ongoing correspondence with the minister since July last year, and then we get to the boycott announcement on 19 April. There has been this tapestry of communication, a relationship, right up to 19 April. I am gobsmacked and I think we are all gobsmacked to know that there was no communication at that time with the commission. I am now asking, secondly, what communication there has been since 19 April with the commission—and it would seem, if Mr Potts could confirm that on the record, that there has been none.

Mr Potts—I will need to check that.

Mr Ritchie—We will take that on notice and get back to you on it.

Senator BARNETT—But, to your knowledge, there has been none?

Mr Potts—Not to my present knowledge, but I will check that.

Senator Arbib—We will check for you.

Senator BARNETT—Thank you for that. It sends a message that either the minister or the department is negligent or dilatory—whatever word you want to use—in terms of communication with the commission. We went through this with the commission and I can tell you what the commission said last week. They had no advice, no communication from either the department or the minister. That is what the commission said. We are trying to clarify, from the department's point of view, whether there was any communication or advice.

Senator Arbib—Senator, again, they were there in their own right as an independent statutory authority, acting as observers, not on behalf of the Australian government.

Senator BARNETT—In one sense it is a tragedy that the government, for and behalf of the Australian community, would make a decision to boycott the conference and make that decision without advising the commission accordingly. The second tragedy is that it sends all the wrong messages to the rest of the world that we have a taxpayer funded body, albeit independent, attending such a conference. It would seem that the staggering thing, which has been confirmed today, is that there has been no communication of the boycott of this conference, which was deemed of such importance—which the minister knew full well when he was putting out his press release on 19 April, and I have a copy of it in front of me—and was so controversial throughout the world, not just for Australia. Yet, notwithstanding his communication with the commission, he did not advise them at the time. It is just staggering.

Mr Potts—I accept that but, at the same time, it is important to understand that the government's decision received a lot of airtime and to say that the commission was not aware of the government's decision is a very long bow to draw.

Senator FORSHAW—It would be obvious from the fact that if the commission were there in the meetings at the opening ceremony, or whatever, that the Australian government was not there. It would be patently obvious to anybody at the conference.

Mr Ritchie—As I understand it, the Human Rights Commission was already there when the government took its decision. I apologise if I did not follow the evidence from last week as closely as I should have. But I assume you asked the Human Rights Commission what efforts it took to keep in touch with us and follow up its letter of 14 January?

Senator BARNETT—Indeed, we asked the commission whether they put out any statement, likewise, expressing a view—as was so eloquently put by Senator Ferguson—of concern, dismay, damnation at the views of the President of Iran, following the statement. The fact is they did not. There was no expression of concern by the commission. Again, this was sending all the wrong messages to the rest of the world, not just to Australia, that here we are, albeit as an independent entity, attending this conference for and on behalf of the Australian Human Rights Commission and not one word of condemnation was made.

CHAIR—Senator Barnett, do you have further questions on this issue that are relevant to this department?

Senator BARNETT—I am waiting for the answer.

Senator FORSHAW—Do you have a list, Mr Potts, of all the countries which did attend the conference and of those which we are aware of or you are aware of which walked out of the conference, at least during the speech by the President of Iran. You can table it if you do have one.

Mr Potts—I will take that on notice. I think there was pretty comprehensive press reporting of the delegations that had decided—

Senator FORSHAW—I have read the article. I have followed this issue as much as anybody, but it would be helpful if we have what information the department has.

Mr Potts—We can give you a considered response.

Senator Arbib—Senator Forshaw, just to assist the committee, I have checked our records and the United States itself made its final position on the conference known on 18 April.

Senator FORSHAW—I am aware of that. That is right.

Senator Arbib—It is worth pointing out.

Senator FERGUSON—Can I just follow up with one question. Mr Ritchie and, I think, Mr Potts have been at pains to suggest that the Australian Human Rights Commission were already in Geneva. Can I suggest to you that, because of the vacillation and tidiness of the government in making its decision, there is still no reason why the Human Rights Commission had to attend the conference, because they would have known of the decision of the Australian government prior to the conference starting.

Mr Ritchie—As we pointed out, they are an independent statutory body. They make their own decisions.

Senator FERGUSON—They were seeking advice all the way through, from 25 July last year.

Senator Arbib—I think we have answered that question.

CHAIR—Are there any further questions on this issue?

Mr Potts—I think Senator Trood was asking earlier about the dates that countries announced their withdrawal from the Durban process. I have some information. As I suggested, Israel was the first, 19 November 2008, a bit later than I thought; the next was Canada, 23 January; the next was the United States, 27 February, but that was a position of reserve at that stage; the next was Italy, 5 March; and on 19 April there were four countries, Australia, Germany, the Netherlands and New Zealand; and 20 April was, I think, Poland and the Czech Republic.

Senator TROOD—The point I made earlier was that some of our friends in the international arena made it clear, relatively early on, that they were not going to be a part of this farce of a conference. Mr Potts, did you speak to Mr Calma about this directly at all at any time?

Mr Potts—No, we did not.

Senator TROOD—Mr Calma did not seek a meeting with the department?

Mr Potts—Not to my knowledge.

Senator TROOD—Do you know whether he sought a meeting with the minister about the matter?

Mr Potts—Not that I am aware of.

Senator TROOD—He did not seek a briefing prior to his travels to Geneva about the conference and departmental views on it or anything like that?

Mr Potts—No. I do not think it is generally HREOC's—currently HRC—approach to seek detailed briefs before they travel. That is certainly not my experience.

Senator TROOD—They are obviously confident of their position, as Senator Arbib said—confident about their independent status. Do you know whether or not there were any human rights entities from the United States, Canada, Italy et cetera—

Mr Potts—I would need to check that for you.

Senator TROOD—equivalent to the Australian Human Rights Commission, that were represented?

Mr Potts—I would need to check, and I am happy to do so.

Senator TROOD—Could you do that for me—a list of those countries which have pulled out of the conference, whether there were any equivalents of commissions or agencies of some kind and whether they were observers or participants at the conference. I gather that only countries were participants. Is that right?

Mr Potts—That is correct—UN members and observers.

Senator FORSHAW—Would they be accredited observers as exists in the UN system, such as accredited NGOs?

Mr Potts—When I said 'observers' I was thinking more of the Holy See.

Senator FORSHAW—They are an accredited NGO observer at the UN GA?

Mr Potts—Yes. They have a higher status than an NGO.

Senator FORSHAW—That is right. That is what I meant. They are formally recognised as a—

Mr Potts—Then there are a range of bodies which have a secondary observers status, such as the Arab League, the African Union, the Asian-African Legal Consultative Organisation and so on. You will often get a whole range of observers of varying stripes.

Senator TROOD—So the commission is not in that group?

Mr Potts—No, it is more in an NGO type category, as I understand it.

Senator TROOD—Of which there are numerous participants in any international conference. Is that correct?

Mr Potts—Yes, it is.

Senator BARNETT—Mr Potts, just quickly, have you received a report from the commission on the conference?

Mr Potts—I think that is—

Senator BARNETT—I assume that is a no? Have you received a report by the commission on the conference?

Mr Potts—No.

Senator TROOD—Just to clarify, Mr Potts. I want to be clear in my mind the view that the department takes of circumstances where an agency of the Australian government—albeit, as Senator Arbib said, a statutorily independent agency—takes place in international activities. Do you regard this as not in any way colouring the view as to whether or not Australia might be participating?

Senator Arbib—I would have thought this was an issue more for the Attorney-General's Department. You are outside—

Senator BARNETT—It is directly for Foreign Affairs.

Senator TROOD—Senator Arbib, I would have thought it was a Foreign Affairs problem or issue.

CHAIR—Senator Trood, it is my view that whether an agency chooses to attend is, in the final analysis, the responsibility of that agency and its portfolio minister. Unless Senator Arbib corrects me, it is not the responsibility of an official to be expressing a government view on the decision of another agency to attend an international conference. That is my view, unless Senator Arbib has a contrary view.

Senator TROOD—It is within another portfolio—

CHAIR—That is my ruling on that.

Senator Arbib—Thank you, Chair.

Senator TROOD—I was asking a specific question not about this matter; I was asking a question about the view the department takes of agencies of the Australian government representing or attending international conferences.

Senator FORSHAW—It is not appropriate for you—

CHAIR—You have now made the question not particular but general: does the official of the department, on behalf of DFAT, have a view on the role of other agencies? That is a matter for the government. The minister at the table might choose to respond on behalf of the government and that is not, in my view, a consideration of the official—if so directed, Mr Potts.

Senator TROOD—I am glad you said it was your view, because it seems to me that that is not the correct view—

CHAIR—That is the chair's view.

Senator FORSHAW—Are you aware of any other NGOs which attended? There were NGOs which attended as observers, albeit for the specific purpose of not endorsing the conference but actually being quite critical of the aims that they perceived some of the participants perhaps had. We are aware, from other representatives from other countries, that NGOs were ejected from the conference, but I understand there were some representatives—I am not sure what their status was but, presumably, observing in one capacity or another—from Jewish groups.

Mr Potts—I think there were a fair range of NGO participants. I think the UN itself went out and invited some. Some would have participated in the regional outreach that the office of the Human Rights Commission would have undertaken. So I think the general proposition is correct.

Senator FORSHAW—The point, though, that I am just making here is that we should always keep in the back of our mind that, whilst I appal what transpired at that conference, certainly the speech of the President of Iran—and my views on this are on the record, particularly with regard to Durban I—the fact that people attend those conferences does not mean they necessarily endorse what happens in those proceedings. That goes, for instance, I would have thought for meetings of the Human Rights Council that are held in New York on a regular basis. Recently, they made a decision that many countries which participate in that forum have objected quite strongly to Sri Lanka. I think it is important that we recognise that the very fact you turn up does not mean you are somehow tainted with endorsement of what may come out of the conference, particularly at the UN.

Senator BARNETT—I have further questions on this issue. Mr Potts, are you aware of minutes of the Australian Human Rights Commission, dated 11 November 2008, which were tabled last week in the A-G's Senate estimates hearing. Those minutes say:

The Australian government has not yet indicated whether it will attend in 2009. The Commission should not pull back on participation just because there is a risk that Islam will become a major issue.

Secondly, are you aware of the minutes of 17 December 2008, where the commission says, 'The Australian government is cautious about whether to attend but, so far, no official has attempted to urge them to attend. CM said that New Zealand will be attending but is remaining fairly quiet, intervening only on soft issues.' Then the decision of the commission says this, 'The commission approved the recommendation that the commission attend the Durban review conference. The commission will engage with DFAT and NGOs in preparation for the conference.' I draw those quotes to your attention and ask whether you are aware of them.

Mr Potts—Yes, I am.

Senator BARNETT—Can you advise the committee as to what you think the commission's understanding of the word 'Islam' is in that—

Senator Arbib—Senator, that is not a matter for department of foreign affairs officials. That is a matter you should have raised with the Attorney-General's Department.

Senator BARNETT—We have raised it with Attorney-General's. I am asking whether the department has a view on and a response to the concerns expressed in the commission's—

Senator Arbib—Sorry, Chair, but it is way outside the scope of the officers here today to answer a question like that.

CHAIR—Senator Barnett has asked a question of the official: 'Is the official aware of the contents of the minutes?' The minister has given an answer, as is the minister at the table's right, and the official will take on board the minister's response if he chooses to go any further.

Senator BARNETT—Do you have anything further to add?

Mr Potts—I cannot offer a view; we were not at the meeting.

Senator BARNETT—But you are aware of these minutes?

Mr Potts—Yes, we are.

Senator BARNETT—Would you like to read a brief from the Human Rights Commission about the conference?

Senator Arbib—Again, this is outside the work of the department of foreign affairs. It should have been raised at the Attorney-General's hearings. I ask that the official not be asked to answer this question.

CHAIR—The official has been directed not to respond to that question—

Senator BARNETT—I think that is unfair. Notwithstanding that, I will ask—

CHAIR—on the basis, again, that it is not the work of this department or these officials and they do not have direct knowledge of the matters before the chair. The response of the minister is quite correct.

Senator BARNETT—Mr Potts, are you aware that Mr Calma has attended a Human Rights Commission meeting since his attendance at the conference and of his anticipation of preparing a brief for the commission?

Mr Potts—It is not within my portfolio. There is no reason why—

Senator BARNETT—So you were not aware of that?

Mr Ritchie—No, we are not aware of that.

Senator BARNETT—Can I then draw your attention to the *Hansard* of last week where you will then become aware of it.

Mr Potts—Thank you.

CHAIR—There are no further questions on this issue, although we are going to get a response on notice in due course.

Senator TROOD—You are going to explore those matters I asked you about. If it is practical to provide those answers into the night or sometime early in the morning, I would be grateful.

Mr Potts—We will see what we can do.

CHAIR—We are still on portfolio overview.

Senator FERGUSON—I may be able to give Mr Potts a spell, I am not quite sure! I want to ask some questions on Fiji.

Mr Ritchie—Certainly.

Senator FERGUSON—Will I give him a spell?

Mr Ritchie—Yes, you will.

Senator FERGUSON—Good.

Mr Ritchie—I will ask Mr Rowe to come and respond.

Senator FERGUSON—In December 2006 when the military chief, Bainimarama, took over, a number of statements were made. One of those that appeared on the AusAID website—and I am not going to ask a question about AusAID—was that:

Australia's response to the coup included repositioning the aid program according to two principles: that we will not support activities compromised by the military or interim government; and as far as possible, our actions will not hurt the people of Fiji.

It could turn out to be a bit of a contradictory statement. Given the increase in funding in the budget this year—it has gone from \$26.9 million to \$35.4 million—has the government abandoned the 2006 commitment in regard to repositioning the aid program according to those two principles?

Mr Ritchie—Before Mr Rowe responds, can I just say a few words?

Senator FERGUSON—Yes.

Mr Ritchie—Firstly, it really is a matter for AusAID. We are not the managers of the aid program, so I do not know what the additional money is being spent on. Secondly, no, it remains the government's position that, as far as possible, we will continue to provide humanitarian and other assistance to Fijians but we will not provide anything to the Fiji government and we certainly will not do anything which will support the so-called interim government in Fiji.

Senator FERGUSON—So I am right in saying that that policy position as enunciated—

Mr Ritchie—Correct.

Senator FERGUSON—is still the position of the government?

Mr Ritchie—That is the government's position.

Senator FERGUSON—If that is so, what assurances can the government give that ODA will not support or enrich Fiji's military regime?

Mr Ritchie—Again, it is a question that I think you are going to have to ask AusAID, because—

Senator FERGUSON—Well—

Mr Ritchie—No, seriously—

Senator FERGUSON—But the government is responsible for making sure that it does not enrich the regime.

Mr Ritchie—Within our portfolio, the people who are responsible for making sure of that are the people who provide the aid, who are in fact AusAID. They operationalise all of this. The High Commission in Suva and AusAID staff there, and others, are very well aware of the government's policy in this regard and channel it in various ways to ensure that assistance is not being provided to the interim government in Fiji. I am sure AusAID will be able to give you chapter and verse about all of that.

Senator FERGUSON—So what is the justification for increasing an aid program to Fiji this year, given the undemocratic behaviour of the regime?

Mr Ritchie—Again, I apologise for doing this, but AusAID will be able to provide details of what it is going to be spent on. I would say—and it is purely a guess—that some of it relates to assistance for humanitarian and other things related to the floods in Fiji and following, but others are much more expert in this regard, and I really would suggest that AusAID is the relevant body to be asked about that.

Senator FERGUSON—So the department washes its hands of the whole thing?

Mr Ritchie—Not at all, Senator. That is not at all what I said. I said we are the monitors of the policy. We liaise very closely with AusAID, but they are the people who implement the policy. They will be able to explain to you how come the aid is increased, for what purposes et cetera et cetera. I am more than happy to put them on notice in that regard.

Senator FERGUSON—But if you monitor the policy—

Mr Ritchie—We set the policy. We are the policy-advising part of the organisation which provides advice to the minister. The minister makes a decision. The government's policy on Fiji has not changed, and I am sure that if you pursue that with AusAID they will be able to explain to you precisely the mechanisms they use to ensure that the aid does not end up in those circumstances and also the reasons why the aid has increased this year.

Senator FERGUSON—Who presents to the government the request for an increase—you as the policymakers?

Mr Ritchie—No, it is a matter that is decided in the aid budget.

Senator FERGUSON—We are going to have a difficult time here, I think. Has the department done any analysis or research to determine the most effective way to influence Fiji's current leadership to hold elections?

Mr Ritchie—Yes, I will ask Mr Rowe to talk about that. We have done a lot of work.

Mr Rowe—The objective of returning Fiji to democratic government and the rule of law is a very important one for the Australian government, and it is one that is shared by all

members of the Pacific Islands Forum. We have been working very closely with the Pacific Islands Forum countries to try and achieve that objective, and there have been, of course, a number of meetings held at which that objective and the ways of securing a return to democracy have been discussed.

In terms of the work that we are doing ourselves in the department, we have ever since the time of the coup been considering how best to pursue policy objectives to bring about a return to democracy. It is an ongoing exercise. One aspect of it, of course, is to maintain a very strong call for the return of democracy and the rule of law while at the same time working with the Pacific Islands Forum members and the international community to try and identify a means to facilitate that return, particularly through a dialogue process involving not only the interim government but all the political parties who are involved in Fiji.

I must say, though, that it is a very difficult challenge to actually secure the objective, given the obdurate and very entrenched stance that the interim government—particularly through the interim Prime Minister, Commodore Bainimarama—is maintaining in basically taking the position that democracy or elections in particular will be held according to his own timetable and not before. Currently, as you are probably aware, the interim Prime Minister has announced that elections will not be held before 2014, whereas Australia and all the other members of the Pacific Islands Forum are unanimous and unified in calling for early elections to bring about that return to democracy.

Senator FERGUSON—Have you made any recommendations that have been implemented?

Mr Rowe—In what sense?

Senator FERGUSON—Have your research and analysis come forward with any recommendations as to what the most effective way is to influence Fiji to hold elections?

Mr Rowe—In terms of our policy development, yes, in the sense of maintaining a very strong position of articulating the call for an early return to democracy and, as I mentioned, by advocating also a path of dialogue, which would be inclusive, transparent and credible. I would suggest that it is in addition to—you might say—the principled stance of policy that the actual practical route in the face of Bainimarama's position is to try and work through dialogue which will involve all those parties and which will result in an agreed process to hold elections and return the country to democracy.

Senator FERGUSON—Has the Australian government made a formal request to the Pacific Islands Forum to relocate the secretariat from Fiji to one of the other member nations?

Mr Rowe—No, it has not; not at all.

Senator FERGUSON—Why not?

Mr Ritchie—Because the Pacific Islands Forum is operating normally in Fiji. That is what the forum secretary-general tells us. It has all its infrastructure in Fiji. It is not being interfered with by the interim government. If—and this is purely a hypothetical—the operations of the Pacific Islands Forum secretariat were interfered with or meetings were being disrupted or there were problems in the way that the forum secretariat operated then I am sure that we and others would begin discussing that issue very quickly.

Senator FERGUSON—Is Fiji still a member of the Pacific Islands Forum?

Mr Rowe—Yes, it is.

Mr Ritchie—It is a member, but it has been suspended from the forum.

Senator FERGUSON—It is a member suspended and, from what you tell us, unlikely to come out of suspension until at least 2014 because it is unlikely to come out of suspension until it has democratic elections. Isn't it a bit of a feather in the cap for Bainimarama to have the secretariat in Fiji while Fiji is a suspended member of the forum and unlikely to be back in the forum for at least another five years?

Mr Rowe—If I can clarify: Fiji has been suspended in the sense that ministers, Commodore Bainimarama and officials are not entitled to participate in meetings or events of the forum. Fiji remains a member of the Pacific Islands Forum. It has not been suspended from membership strictly so called; it is a different level of suspension. The suspension has been implemented in accordance with the unanimous view of the Pacific Islands Forum leaders that, until such time as Fiji returns to democracy, that should be the situation. In the meantime, of course, the forum secretariat, as Mr Ritchie said, continues to function, and it continues to play an important role for forum members.

Mr Ritchie—For the Pacific Islands Forum it is a very serious step that has been taken in regard to suspension. This is the first time any member has actually been put in that position. I think it reflects the serious disquiet and anger of Pacific Island leaders.

Senator FERGUSON—I think it is only an indication of the nature of the political situation there. There was the time back in Rabuka's day, but this is the lengthiest lack of democracy for a long time.

Mr Ritchie—I could not agree more. We remain of the view that they should be holding elections as quickly as they possibly can. We have offered to provide assistance if the so-called interim Prime Minister commits to have elections soon. We believe practically and physically that can be done in a sensible way. The problem is the total lack of political will on behalf of the so-called interim government in Fiji.

Senator FERGUSON—But with Bainimarama having said, 'I'm not going to have elections till 2014,' you would not be optimistic, would you?

Mr Ritchie—I am not at all optimistic that he would even hold elections then. But the aim has been to maintain as much pressure on him from the complete international community to try to bring that about.

Senator FERGUSON—I would have thought perhaps shifting the secretariat might apply a bit more pressure.

Mr Ritchie—I personally do not think that would apply much pressure to him, beyond what he already bears. He has shown—and I think the Prime Minister, Mr Smith and others have said this publicly enough—complete disregard for all of that. It would be an expensive exercise and I think the Pacific Islands Forum countries would not necessarily agree to that without serious provocation by the Fiji government. It is where all their facilities et cetera are.

Senator FERGUSON—Are you aware whether the government is contemplating stronger sanctions against Fiji?

Mr Rowe—The government has sanctions in place at the moment, as you know. As the minister has said, after the abrogation of the constitution on 10 April, in answer to a question the minister said that we were not going to extend those sanctions to trade sanctions or sporting sanctions. But the government's current sanctions regime remains in place.

Senator FERGUSON—Do you think that the current sanctions regime is having any effect at all?

Mr Rowe—Personally, I do. It is specifically targeted, as you may be aware, at the political leadership, the military leadership and people who are appointed by the interim government to key positions. It is deliberately designed and targeted at those groups and their families, particularly members of the military forces above the rank of warrant officer, and that is having an effect. The message is getting through that the sanctions are impeding the travel plans of individuals in those categories. One thing I would like to emphasise is that the sanctions are not in any way intended to impact on the people of Fiji who are not associated with the regime in the way I have described it.

Senator FERGUSON—Applied sanctions never do, but somehow they tend to trickle down and affect people whether we want them to or not, unfortunately.

Mr Ritchie—There is a certain inevitability about it, but we do our best. I think we have made it clear—and I am sure everyone agrees—that our beef is not with the people of Fiji. Our beef is with the interim government.

Senator FERGUSON—Has our government lobbied the UN to no longer use Fijians as part of UN peacekeeping forces?

Mr Ritchie—Yes.

Senator FERGUSON—Has there been any response?

Mr Rowe—Yes, there has been a response. We take this issue very seriously because there are roughly 589 Fijians involved in peacekeeping operations around the world and, of course, it is a very important form of remittances back to Fiji.

Senator FERGUSON—It is a major source of revenue.

Mr Rowe—Yes. We have taken this matter up with the United Nations. Basically, the position is that the United Nations says that in future they would consider any new peacekeeping missions on a case-by-case basis and they have accepted and acknowledged our position that Republic of Fiji Military Forces members should not be included in any new peacekeeping operations.

Senator FERGUSON—What sort of protest has our government made over the Fijian government's raid of the Fiji Law Society offices a couple of weekends ago? It has been met by the Law Council of Australia with 'grave concerns about the future independence of the legal profession of the legal profession in Fiji'.

Mr Rowe—The government has very strongly condemned the series of violations of human rights, of which this is another example in a long litany of very unacceptable actions taken by the interim government.

Mr Ritchie—We have grave concerns about that, about the treatment of the legal profession more generally in Fiji and about other human right problems such as the detention of people and other issues which we strongly condemn.

Mr Rowe—I add that, since the abrogation of the constitution on 10 April, the interim government has seemingly gone on the offensive to become even more odious in its repression of human rights. You probably read about, for example, the clampdown on the media, the fact that all judges were sacked and so forth.

Senator FERGUSON—Does the government agree with the admission of Bainimarama that if elections were held next year a majority of Fijians would re-elect the government that his regime deposed in 2006? Is that the government's view as well?

Mr Ritchie—I am not sure we necessarily agree with that view, but we would like to see proper democratic elections in Fiji and let the people of Fiji be able to test that.

Senator FERGUSON—What is our current travel advisory for Fiji?

Mr Rowe—There are two categories. One is in relation to Suva, which says exercise a high degree of caution. In relation to the rest of Fiji it states exercise caution. The point is that if there were to be any political unrest or repression it would most likely occur in Suva itself.

Senator FERGUSON—It is a sort of double edged sword, isn't it? If we encourage tourists not to go it is going to affect the people that we do not want to hurt, yet by tourists going to Fiji it is actually helping to prop up the regime as well.

Mr Rowe—Precisely—in one sense. Certainly, we do not want to discourage Australians our tourists from visiting Fiji while the situation is obviously safe—and we keep that constantly under review, of course—in the sense that tourism does benefit the Fijian economy even if the prices are heavily discounted so that the return to the economy is much diminished. But there is a very serious concern that we have about the economic situation in Fiji. The fact is that since the coup the economy has contracted considerably—for example, by 6.6 per cent in 2007—and that was before the impact of the current global economic crisis. So there is a very serious situation of a downward spiral in the economic situation in Fiji. Tourism and sugar, the two main revenue earners for Fiji, are being seriously affected—tourism through the discounting, as I said, and sugar because there are real problems in marketing the sugar, the industry needs restructuring and the European Union is withholding funds because of the political situation of no return to democracy. Certainly, we would like to see and encourage tourism to the extent that the situation is safe, because it does provide at least some economic benefit to the people of Fiji, even if less than in the past.

CHAIR—Any further questions on portfolio overview?

Senator TROOD—Can I just a couple of questions on this subject. Mr Rowe, just on the matter of Fiji's participation in peacekeeping activities, are there any units of the Fijian defence force currently serving on any missions overseas?

Mr Rowe—Yes, there are, absolutely. I can give you the details if you wish.

Senator TROOD—Perhaps you could do that for me, if you would.

Mr Rowe—As I mentioned, there were 589 personnel serving in peacekeeping operations at the time of the December 2006 coup. We understand the figure is roughly around the same. Of that 589, there are 223 Royal Fiji Military Force members serving in Iraq with UNAMI. There are eight police and seven RFMF in Sudan, in the United Nations mission there. There are 12 police in Darfur with UNAMID. In addition, there are 329 Royal Fiji Military Force members in the Sinai, in the Multinational Force and Observers—it is called the MFO—which is a non-UN operation. So it is a split between UN operations and a non-UN peacekeeping operation in the Sinai.

Senator TROOD—Does the policy on this matter extend to encouraging those elements that are UN based terminating these arrangements as soon as possible, or is the intention to focus on any further encouragement of Fijian participation?

Mr Rowe—In an ideal policy sense, we believe that Fiji Military Force members should not be involved in future peacekeeping operations. The position the United Nations have taken so far is that they will not consider the recruitment of Fiji Military Force members in future operations. In other words—

Senator TROOD—They will not withdraw the current ones?

Mr Rowe—They will not withdraw the ones who are currently in peacekeeping operations, but any future new operations—

Senator TROOD—I understand that to be our position.

Mr Ritchie—No, our position would be that we would like them to cease the other ones as well. But they have not agreed to that.

Mr Rowe—That is not acceptable in the United Nations at the moment.

Senator TROOD—Have we put that proposition to the United Nations?

Mr Ritchie—Indeed.

Mr Rowe—Yes, absolutely.

Senator TROOD—Have we advocated the withdrawal of Fijian positions?

Mr Ritchie—Absolutely.

Senator TROOD—So we have done that. Is it just that we cannot find some friends and supporters for that proposition? What is the difficulty in succeeding in that?

Mr Ritchie—As I understand, it really relates to a perennial difficulty that the United Nations have in recruiting peacekeepers for various operations, and they are somewhat loathe to get rid of the Fijians because they need them. We have certainly put that case very strongly to them, that we would like that to cease and also all future RFMF engagement to cease. And we have encouraged other countries in the same vein.

Senator TROOD—Are any of these operations time sensitive, in the sense that they are commitments for a period of time and we can look forward to the possibility that, when the duration of the commitment ends, we have an opportunity to make the case once again for them not to be renewed?

Mr Rowe—No, I do not think that is the case.

Mr Ritchie—The Fijians in the Sinai, for example, with the MFO have been there for decades and decades.

Senator TROOD—And it is likely that they will continue there—

Mr Ritchie—Yeah, sitting on a hilltop in the middle of the Sinai.

Senator TROOD—Yes—notwithstanding our firm advocacy. Thank you.

Senator LUDLAM—I would just like to change the subject, if I may, to a different part of the world if the right folk to talk about Burma are in the room.

Mr Ritchie—Yes, they are. Could I ask briefly about an organisational matter? We presumably will be continuing with the portfolio overview after the dinner break.

CHAIR—Correct.

Mr Ritchie—You would therefore want all our officials to remain?

CHAIR—Yes. We might ask for an indication.

Senator TROOD—I am happy to try and provide that indication. I understand the point you are putting.

CHAIR—We might try to do that just before dinner.

Senator LUDLAM—Mr Woolcott, you appeared before us in February and we had an exchange about the Australian government's reaction to the situation in Burma. Obviously, events have not improved since the last time we spoke, so could you provide us firstly with an update of how you see the situation there at the moment.

Mr Woolcott—The big change is the trial of Aung San Suu Kyi on fresh charges, which you are obviously very familiar with. Mr Smith has expressed our concerns in two statements in parliament, one on 27 May and one previously on 14 May, in which he expressed our deep concerns about that trial. Australia's ambassador in Rangoon has repeatedly conveyed our concerns over this development. You are aware of the rough facts in relation to the new charges. We were expecting today in fact for the trial to conclude with Aung San Suu Kyi's defence statements. That has now been delayed until 5 June. As is often the case in Burma there has been no reason given for the postponement of the trial. The regime has accused her of essentially being in breach of section 22 of the State Protection Law which basically carries a minimum sentence of three years and a maximum sentence of five years.

At the same time, on 26 May, the Burmese regime revoked the detention order under which Aung San Suu Kyi had been confined to house arrest for the last 5½ years. Again, that was a development which caught us and many of the international community by surprise. There had been an argument that in fact on that day anyway, under Burmese law, the detention order should have expired. The Burmese had on the previous day argued that the expiration date was not until November. They have now revoked that detention order and so, essentially, Aung San Suu Kyi is facing this new, fresh charge in relation to the presence of the American John Yettaw who swam to her compound.

There is a strong sense I think that the Burmese administration were taken by surprise by the strength of the international reaction. There was a sense that they were looking to find a way to keep her under detention. They are proposing, as you know, to hold elections in 2010. Their interest is in not having her with the liberty to involve herself in that election process and this, in a way, was a trial that was designed to achieve that end. They saw the presence of Yettaw on her property as an opportunity to bring fresh charges in relation to breach of section 22 of the State Protection Law. A strong view is that that has backfired on them. What it has done is revitalised a great deal of international concern about her detention. Again, you will be aware of the very strong international reaction to that detention.

You had a very strong statement by the ASEAN chair, Thailand, which was very critical of the actions against Aung San Suu Kyi. You have also had statements expressing concern from regional countries like Indonesia, Singapore, Thailand, Malaysia, Cambodia, the Philippines and Japan. You have had the statement by foreign ministers of ASEAN, you have had a UN Security Council press release on this matter and, of course, you have had countries like Australia also making very strong statements.

We have had some access to the trial. The US consul there has been able to witness the whole trial, because of the presence of the US citizen and the separate charges against him; and the diplomatic corps was able to attend sessions of the hearings on 20 and 26 May, and our ambassador attended those hearings. At the same time, on 20 May, three representatives of the diplomatic corps—Singapore as dean of the corps, Thailand as ASEAN chair, and Russia as president of the UN Security Council—were able to visit Aung San Suu Kyi at the house where she is being held. It is a guest house in the precincts of Insein Prison. She appears in good health. At the time when our ambassador was witnessing her in the witness stand she waved at the diplomatic corps, she thanked them for their support, but she obviously seemed, according to our ambassador, fairly sober in her demeanor.

It is a question now of what they do with her. It is hard to predict. It would not surprise us if she is found guilty of these new charges. If there are any more specific questions, we are happy to take them.

Senator LUDLAM—There are a few things. Thank you very much for that overview. First of all, maybe I should say at the outset: the cross-party group of MPs who form the Australian Parliamentarians for Democracy in Burma requested some time ago for DFAT personnel, or from the foreign minister, I should say, to be given permission to brief that group. We would still appreciate, at the bare minimum, an in-camera briefing of that group—which has proven quite difficult to set up—just to help maintain bipartisan understanding and consensus on the government's efforts in Burma. I would appreciate if you could take that—

Senator Arbib—Senator, I am happy to pass that on to the minister.

Senator LUDLAM—That would be greatly appreciated. Can you tell us, Mr Woolcott, exactly what the Australian consular officials in Burma have done to communicate with the regime about the trial—in the broadest terms, couched in diplomatic language, if you will. What message is our ambassador giving and to whom is he delivering that message in Rangoon?

Mr Woolcott—In relation to the trial, I can give you a very brief chronology of representations made the ambassador. On 29 May, most recently, she made representations to the minister for foreign affairs. Her representations have followed the same pattern throughout; that is, Aung San Suu Kyi should be released and that the process of national reconciliation needed to begin, that the elections that they were proposing needed to be free and fair, that the election laws needed to be seen, and that not only Aung San Suu Kyi but also the other 2,000 prisoners ought to be released. So there has been a consistent pattern of representations. The most recent was 29 May, when she actually went up to Naypyidaw and saw the minister for foreign affairs. On 25 May she made representations to Minister for Industry 1, the secretary of Burma's human rights group and to the Ministry of Foreign Affairs. On 18 May she made representations to the Minister for Social Welfare, and on 14 May she made representations to the Ministry of Foreign Affairs again. So there has been a very strong pattern of activity by the our ambassador there in terms of making representations on behalf of Aung San Suu Kyi's personal liberty.

Senator LUDLAM—What is the size of the Australian delegations that participate in those meetings?

Mr Woolcott—I would have to take that on notice. I do not know whether our ambassador would have been accompanied by any officials from the embassy. It is a fairly small embassy. I suspect she may have been on her own when she made those representations, but I will take that on notice.

Senator LUDLAM—How many staff do we maintain at that office in Rangoon?

Mr Ritchie—I do not have the precise figure with me, but I will get it for you.

Senator LUDLAM—At the last hearing in February we discussed the 2010 elections, which I think now we probably agree will be elections conducted without an opposition. On 28-29 April, the LND had its first meeting in more than a decade. The elections were discussed at that meeting, among other things. They issued a declaration stating that they would only participate in the elections if all political prisoners were released and the constitution reviewed. Many other pro-democracy forces within the country, including the Karen National Union and others, have made similar statements in recent times. In February you said:

There has been no indication of how the election is going to be conducted. We would wait for that and we will have to wait and see how much space the government chooses to give the opposition.

I would say the jury on that question is in, so what answer would you give if I put that question to you now?

Mr Woolcott—A couple of points on that: firstly, the NLD, as you mentioned, released on 28-29 April their declaration and announced the party's intention to contest the 2010 poll although subject to an examination of the election law. It also shifted the party's position on the 1990 election slightly, demanding only recognition in some way of the 1990 results rather than a convening of the parliament elected in 1990. We still have not seen the election law and we still have not seen any of the processes to establish the election in terms of electoral rolls, how it is going to work, so it is still a bit early for us to make a determination. I suspect that the handling of the trial of Aung San Suu Kyi will obviously be a factor too in the approach

we take to the 2010 election. You are well aware of the foreign minister's concerns about the constitution, which he has described as a sham. You would have to say that the auguries were not good for a free and fair election, but it is still too early to make a call on that.

Senator LUDLAM—What sort of conditions would be attached for the government to make a call? I would have thought at the moment if such an election were to occur in Australia we would just laugh at it. It has got no credibility whatsoever, and the Senate passed a motion to that effect unanimously not that long ago. I am a bit surprised to hear that you are still on the fence.

Mr Woolcott—We are not on the fence, I guess you would have to say we are deeply cynical about the prospects for a free and fair election in Burma, but there is still some time to go and we still have not seen any of the arrangements for the election. The Secretary General of the United Nations, Ban Ki-moon, is keen to visit Burma. He has expressed interest in visiting Burma as soon as possible. He played a very helpful role in terms of access in the aftermath of cyclone Nargis and the delivery of humanitarian aid. It will be interesting to see how he can move the process forward. So there is still some water to flow in this. But you would be right to say we are fairly cynical about the prospects for a free and fair election in Burma. But we need to wait.

Senator LUDLAM—Is there a proposed timetable for the visit of the Secretary General to Burma?

Mr Woolcott—No, he has expressed indication that he would like to visit Burma as soon as possible, and there has been some speculation that July might be the timeframe for that.

Senator LUDLAM—Last time we also discussed the aid that Australia provides in the wake of the cyclone. Do you continue to be satisfied that Australia's aid is not supporting the regime but is actually reaching the people? Can you tell us how you assess whether our aid is doing perhaps more harm than good?

Mr Woolcott—Obviously AusAID is in a better position to answer those questions in terms of the details. From a political perspective, as you mentioned, we would be very concerned if any aid were to get into the wrong hands. That is why our assistance, both the humanitarian assistance and also the bilateral aid that we provide Burma, is done in such a way as to minimise the prospects of that happening. It is done through the United Nations, it is done through credible NGOs, well-recognised NGOs. AusAID can talk to you more about the detailed monitoring of that. I just make a point here, though, that it is a classic case of people being in double jeopardy. You have a bad government and at the same time the international community ignores them because of that fact. For example, the state spends less than \$US1 per person per year on health and education and development assistance flows to Burma remain amongst the lowest in the world, with only \$US3 per capita. Contrary to government figures, fewer than half all children complete primary school and there is a serious emerging HIV epidemic. Burma is a mess, and the international community needs to find a way to work through this. It needs to find a way to provide assistance to Burma without, as you rightly point out, enriching figures in the government.

Senator LUDLAM—So why do we still permit Australian investment in Burma, given that really dire picture that you just painted for us?

Mr Woolcott—Again, what we do with Burma is we have targeted sanctions, as you know. We have targeted financial sanctions and targeted travel sanctions on the regime leadership and its cronies. Our view is that trade sanctions would only further exacerbate the wellbeing of the Burmese people themselves. In addition, trade with Burma is very small and there is no sense that we will be able to get effective international sanctions on Burma either. There is no interest in the Security Council in sanctions and all of Burma's neighbours, including China and India, major trading partners, and Thailand, have no interest in economic sanctions on Burma at this point in time.

Senator LUDLAM—I have just been given the windup, so we will have to pick this up after dinner.

CHAIR—Thank you, Senator Ludlam. Thank you, Mr Woolcott. Mr Ritchie, I have been advised by the opposition that after dinner they wish to continue with Burma, then go to Gaza, Pakistan, Afghanistan and then the Asia-Pacific community. When we have done those four topics, I suspect it will be fairly late into the evening. We will have a quick meeting then and decide whether we are going to kick on until 11 o'clock, because we do have 3½ hours scheduled for tomorrow to work through the remainder of DFAT program.

Senator Arbib—Chair, Senator Barnett asked a question concerning the Durban conference and I said I would get that information. Can I advise that the Minister for Foreign Affairs did not write to the Australian Human Rights Commission to convey the government's decision not to attend the conference. The Australian government's decision to withdraw from the conference on 19 April was widely reported and became well-known, including by the Australian Human Rights Commission.

CHAIR—Thank you, Senator Arbib. We will adjourn for dinner.

Proceedings suspended from 6.32 pm to 7.33 pm

CHAIR—We are continuing with discussion on the portfolio overview. We are continuing with our discussion on Burma, and Senator Ludlam has the floor.

Senator LUDLAM—I have just a couple more questions to finish up where we left off. I was a bit distracted at the very end, so maybe we can just review where we were. I was asking you why Australia does not have trade sanctions against Burma and why we still allow Australian investors to do business in that country. Maybe you could pick it up there.

Mr Woolcott—Yes. As I was mentioning, the international community has not agreed on a single approach to trade with Burma. It is a situation where China and India are major trading partners of Burma, and so is Thailand. The rest of ASEAN trades with them. So the chance of getting an agreed policy on trade sanctions against Burma is remote at this particular moment. What the Australian government has done, though, is to introduce targeted financial and travel sanctions on the Burmese leadership and, through this measure, to seek to target those who are in a position to change things and are very much affected by the sanctions.

Our concern with wider trade sanctions is not only to do with the lack of utility of trying to introduce trade sanctions on the Burmese regime but also our concerns about the welfare of the Burmese people themselves. You are going to do further harm to the Burmese people through trade sanctions. As I mentioned before, essentially those people are very much in a

situation of double jeopardy with the regime that exists in Burma at the moment. Finally, it is also the case that our trade with Burma is minimal. Australian imports from Burma totalled \$21.1 million in 2008, and for the same period our exports to Burma amounted to \$32.4 million.

Senator LUDLAM—Are you able to provide for us a breakdown of those numbers? I am not necessarily asking you to read them into the record, but where would we find those?

Mr Woolcott—I can do that.

Senator LUDLAM—Is that broken down by commodity type?

Mr Woolcott—Yes, it is.

Senator LUDLAM—Are they published by DFAT? Is that in your annual report?

Mr Woolcott—No, it is not in the annual report; it is in the government's trade statistics. I am not sure who produces those—the Bureau of Statistics I assume. It is broken down into commodities and we can provide that to you.

Senator LUDLAM—I guess, though, that if we thought it was a good idea then it would not matter whether the investment was large or small. In fact it is probably easier to do it if it is \$50 million approximately each way or combined inward and outward. Is there a sense in which we are still subscribing to the idea of constructive engagement and that investment is actually good—that it helps open the country up? Or has that been discarded?

Mr Woolcott—No, that is there in the background too. With Burma you are dealing with a regime which is isolationist and essentially paranoid. I think you can make the argument quite strongly that if you want Burma to change then the best way for it to change is to open it up; and that comes through contract and comes through trade and investment. If you are looking out 10, 15 or 20 years then that is how Burma is most likely to change.

Senator LUDLAM—There was a coup in Burma in 1962, and I think that idea of constructive engagement and not restricting trade does not seem to have borne much fruit thus far. When we last spoke you said the Australian government neither encourages nor discourages Australian investment in Burma. If investment is a good thing, why are we not encouraging it?

Mr Woolcott—The approach is neither to encourage nor discourage trade. I mentioned that there is an argument in favour of taking a longer term view about trade but there are also other arguments which are on foot at the moment. The government's policy is not one of constructive engagement; the government's policy is one of not to discourage or to encourage trade with Burma and to accept certain realities in the world—that is, there is no utility in trying to get trade sanctions up against Burma at the moment because all of its neighbours trade actively with it and invest in Burma.

Senator LUDLAM—Even if pro-democracy groups within Burma are calling for us to take exactly those measure? I am not talking multilaterally—we are not responsible for what the government of China might do, although I will come to that in a moment. But we certainly are responsible for what the Australian government does in our name. Is that matter under active consideration at all—a review of that policy of neither encouraging nor discouraging trade?

Mr Woolcott—No, not at the moment.

Senator LUDLAM—What would it take? How bad do things have to get there? There are people in my home city of Nedlands in WA who regularly travel to Burma to exploit oil and gas reserves there. At what point does the situation in that country get so bad that we prevent those people from doing that—which is only done with the connivance of the regime?

Mr Woolcott—That is a hypothetical question which I cannot answer.

Senator LUDLAM—So there are no threshold conditions beyond which you would advise the government that perhaps this is not such a good idea?

Mr Woolcott—That is a decision for the government. I am not in a position to reveal what our advice might or might not be in that hypothetical time.

Senator LUDLAM—Just going to the issue of China, I realise the decision minister is actually the Treasurer in this case and that these decisions are made by the Foreign Investment Review Board but I just wonder if you might share your thoughts on the matter of Lynas Corporation Limited and China Nonferrous Metal Mining Group. This has been in the press a bit recently. Are you familiar with the China Nonferrous Metal Mining Group? They operate a large nickel mine in Burma and I think they are proposing another one.

Mr Woolcott—That one I am not aware of. I will have to take any questions on that on notice.

Senator LUDLAM—There is an agreement pending—I think the matter is before FIRB at the moment—that would make that Chinese group a majority shareholder in Lynas. They are obviously 100 per cent monopoly owned by the Chinese government. They would buy into a 51 per cent stake in Mount Weld in WA—a half a billion dollar project. I know the decision minister is the Treasurer, but would your department have any role at all end in informing either the minister or the Foreign Investment Review Board about the activities of that group in Burma?

Mr Woolcott—My understanding is that we would be asked whether there were any foreign policy implications in a decision like that.

Senator LUDLAM—Has that advice been sought to date?

Mr Woolcott—No, not that I am aware of.

Senator LUDLAM—Is that advice that you would offer even in the absence of being asked by the minister, or the Treasurer in this case?

Mr Woolcott—I cannot reveal what advice we would offer or not at this stage.

Senator LUDLAM—I am not looking to the nature of the advice but rather just the mechanics by which that advice is tendered.

Mr Woolcott—My assumption is that we would be asked.

Senator LUDLAM—And forgive me for not knowing this but is it normal practice in these sort of difficult foreign investment cases that your advice would be sought on that matter?

Mr Woolcott—Again, that is my understanding. I may be corrected. I will check that for you but that is my understanding.

Senator LUDLAM—I would appreciate that. You say that to your knowledge you have not offered advice yet.

Mr Woolcott—No.

Senator LUDLAM—So that means you definitely have not?

Mr Woolcott—I was not actually aware of the issue you are talking about.

Senator LUDLAM—I just wonder, if it turns out that maybe your advice has been sought, if you could just correct the record.

Mr Woolcott—Certainly I will do that.

Senator LUDLAM—Lastly, I turn to a matter that again we discussed in February—the International Criminal Court. When Prime Mr Rudd was in opposition he stated, in surprisingly clear language:

“Labor ... also believes it is time to request the UN Security Council to authorise the International Criminal Court to commence investigations into Burma’s leaders for crimes against humanity.”

The detention of opposition leader Aung San Suu Kyi for more than a decade, and the prosecution of political opponents, clearly established a case for the regime to answer, Mr Rudd wrote. “The international rule of law ... will be rendered meaningless if we leave it on the bookshelves of The Hague instead of activating it in defence of human rights.”

I am just wondering whether you are now advising Mr Rudd against this course of action or if there has been any shift in the position you outlined to us in February.

Mr Woolcott—I will ask my legal colleague to join me on this issue.

Ms Richards—Senator, would you mind repeating the question?

Senator LUDLAM—I was quoting at some length from a statement Mr Kevin Rudd made when he was in opposition about the need for the UN Security Council to authorise the international criminal court to commence investigations, to at least take preliminary steps I suppose he meant, to look at what would be involved in an ICC prosecution of the junta. I am just wondering if you can advise us of your views or the views of the department in that matter now that Mr Rudd is in fact the prime minister.

Ms Richards—I believe my colleague gave evidence on this at the previous Senate estimates.

Senator LUDLAM—That is right.

Ms Richards—As far as I am aware there has been no change in position since then.

Senator LUDLAM—The position was a bit difficult to ascertain. Can you tell us just from an international legal perspective what is involved in initiating such an action in the ICC.

Ms Richards—Generally speaking there are four ways that an action can come before the ICC. One is if there are crimes committed on the territory of a state party. That does not apply in this case because Burma is not a party to the Rome statute establishing the court. The second is if crimes are committed by nationals of a state party. Again that is not applicable

because Burma is not a party to the Rome statute. The third way is if the state voluntarily refers the matter to the ICC. While that may be theoretically possible in the future I think no-one would think it realistic at the moment. The final way, I think as you were referring to in that quote, would be if the matter were to be referred by the United Nations Security Council. That has happened, for example, in the case of Sudan.

Senator LUDLAM—So presumably that is what the Prime Minister meant. Have you tendered any advice to the Prime Minister's office or to the Minister for Foreign Affairs about initiating such an action at all?

Ms Richards—No, I have not.

Senator LUDLAM—Or the department I suppose more generally rather than you personally?

Ms Richards—I would have to check to be absolutely sure but, as I said, there has been no change that I am aware of in the position since the last Senate estimates.

Senator LUDLAM—Without wanting to verbal you, Mr Woolcott, the position is that you have not ruled it out but that it is not something that you are actively pursuing. Is that approximately correct? Mr Woolcott, I am just going back to the statement you made in February.

Mr Woolcott—That is still my understanding of the case.

Senator LUDLAM—It has not been ruled out as an option but it is not something that is being pursued.

Mr Woolcott—Circumstances will certainly need to change. Let us be practical.

Senator LUDLAM—Circumstances have changed. The Leader of the Opposition has been detained and she is being charged and sentenced probably as we speak. Again, I put to you: how bad does the situation have to get before your advice would be to move in that direction?

Mr Woolcott—I was referring to circumstances in the Security Council.

Senator LUDLAM—Are you referring to the opposition of the Chinese government perhaps?

Mr Woolcott—And the Russian government.

Senator LUDLAM—That situation was the case when Mr Rudd made that statement though. Nothing has really changed since then. I guess that is a matter we would need to take up with the PM.

Senator KROGER—I would like to follow up on the questions that have been posed by Senator Ludlam, because the Prime Minister when in opposition in 2007, along with Robert McClelland, did make a very definitive statement and there could be no misunderstanding or lack of comprehension of what they were saying. They said:

... a Rudd Labor government would pursue justice in Burma through working to have the United Nations Security Council refer Burma's generals to the International Criminal Court.

Since attaining government, I suggest that they have been extraordinarily mute on this particular issue. Following on from what Senator Ludlam was asking, Ms Richards, do you

believe that the then opposition were aware of the conditions that you have just laid out for us in regard to any matters that can be taken to the International Criminal Court and pursued?

Ms Richards—I am sorry, Senator, I really cannot comment on what the opposition may or may not have been aware of that that time.

Senator KROGER—Was there any advice that you may be aware of that they received where it was believed that that was the case?

Ms Richards—It is something that I really could not comment on.

Senator KROGER—It sounds like it was yet another case of something that sounded nice but that actually was totally impossible to implement.

Senator Faulkner—That is a commentary, Senator. It is not a question, as you would appreciate. I have listened carefully to what you have said. You have asked two questions and followed them up with what I would describe as editorial comment, which is not appropriate—although it happens regularly at these committees. I note your editorial comment, which of course I do not accept, but I just want the record to stand that it has that status. It was not a question; it was, I thought, a rather unfair editorial comment.

Senator KROGER—I understand you were a master of editorial comments when you were sitting in these seats, Minister. But we will move on.

Senator Faulkner—I would not comment on that. The only thing that pleases me is I am no longer sitting in those seats.

Senator KROGER—You look pretty pleased about that.

CHAIR—Order! Can we move on.

Senator LUDLAM—Can you point to any action by the Prime Minister or the foreign minister that would have rendered that editorial comment invalid? Have they done anything at all on the basis of those commitments that were made before the election?

Senator Faulkner—I do not answer questions that follow on from editorial comments. I am happy to establish for you—and I will need to take it on notice—

Senator LUDLAM—Of course.

Senator Faulkner—what the government's response on these matters has been. If you were to ask me that question, I would be more than happy to establish that for you.

Senator LUDLAM—I want to know whether any action, great or small, has been taken by any relevant minister or the Prime Minister in furtherance of that commitment that was made in the election campaign. I would appreciate that.

Senator KROGER—I will follow on from that question and be a little more specific. Have any efforts being made to pursue justice in Burma through the United Nations Security Council through referring Burma's generals to the International Criminal Court?

Mr Woolcott—No.

Senator KROGER—Have there been any discussions or subsequent briefings in relation to the matter seeking to advance the very honourable sentiment that was indicated back in 2007?

Mr Woolcott—We are not members of the Security Council, so I cannot comment on what may or may not have taken place inside meetings on Burma in the Security Council, some of which are closed. They do regularly discuss Burma in the Security Council and most recently put out a press statement, as I mentioned earlier, on Aung San Suu Kyi's fresh charges. I cannot comment on what has transpired in those meetings, but I am not aware of any discussions about this particular matter.

Senator Faulkner—The information that I have available to me is that the most recent occasion on which Australia's ambassador in Rangoon conveyed Australia's grave concerns on Aung San Suu Kyi's situation to the Burmese authorities was 29 May. That is certainly the advice that I have available to me. I would not want you or Senator Ludlam to fail to understand that the government has consistently and regularly pressed the Burmese regime for the unconditional release of political prisoners, including Aung San Suu Kyi. I would not want anyone to misunderstand the commitment of the government to continue to do so.

Senator KROGER—If I could turn to the ASEAN human rights body. I note that in a press release on the same subject dated 27 February 2009 it said:

The objectives of the AHRB is the creation of an organization that will promote and protect human rights and help shape and raise human rights standards in ASEAN according to the regional context ...

Is there a reason why the government has not made any public statements about the establishment of this human rights body?

Mr Woolcott—Yes. It is because it is not yet established. It is still under consideration.

Senator KROGER—And they have not considered the need to contribute to any public discussions?

Mr Woolcott—We are not a member of ASEAN. It would be seen as a bit presumptuous for a country outside of ASEAN to be telling it how to set up its human rights body.

Senator Faulkner—Those are two pretty good reasons.

Senator KROGER—We do have an ambassador to ASEAN—Gillian Bird. Has she been tasked with lobbying ASEAN about human rights specifically or in general?

Mr Woolcott—She has regular discussions in her travels into ASEAN and as a senior departmental officer she discusses a range of issues when she is visiting. I would need to take on notice whether she has specifically raised human rights issues in those discussions. Certainly in so far as the ASEAN charter and the establishment of the human rights body are concerned, we would not have lobbied about that organisation.

Senator KROGER—It would be helpful if you could take that on notice, because it will be of interest to us to know whether she has actually been representing us in terms of our position on human rights. Has the ambassador herself been in contact with ASEAN in relation to Aung San Suu Kyi's welfare?

Mr Woolcott—Yes, ASEAN put out a very strong statement through its chair, Thailand, which was critical of the actions against Aung San Suu Kyi.

Senator KROGER—And in that statement?

Mr Woolcott—Sorry?

Senator KROGER—Could you expand on what the statement covered.

Mr Woolcott—I have not got a copy of the statement with me. It was made on 19 May. Essentially it was expressing concerns about Aung San Suu Kyi's situation. I am going on memory here. It called on Burma—it would have said Myanmar—to abide by the human rights considerations which are part of the ASEAN Charter.

Senator Faulkner—I do not know, Senator, whether the suggestion is that the government, and the Minister for Foreign Affairs, has not been a very strong critic of the Burmese regime. I do not know if that underpins some of this questioning or not, but if it does I can absolutely assure you, as I hope you have seen, that the government has been a very strong critic of the Burmese regime. The Minister for Foreign Affairs has on many occasions made this absolutely clear in the public arena. The government is, I can assure you, deeply concerned about the situation in Burma. Of course I would want to acknowledge at the table that for many years the regime has demonstrated a profound disregard for human rights and a profound disregard, in my view, for the democratic aspirations of the Burmese people. This is something I believe you may well have heard me say in the Senate chamber and I am more than willing to repeat that here in this committee tonight in those very strong terms.

Mr Woolcott—Before the dinner break I set out a chronology of representations by the ambassador over the last couple of weeks. I can do that again if you would like. On 14 May she made representations to the Ministry of Foreign Affairs; on 18 May she made representations to the minister for social welfare; on 25 May she made representations to the Minister for Industry-1; and on 29 May she made representations to the Minister for Foreign Affairs himself. All of these were in relation to Aung San Suu Kyi's continuing detention and they called on the Burmese government to release her unconditionally. I also mentioned the two statements made by the foreign minister in parliament in May. In fact, I found the actual contents of the ASEAN Chair statement in relation to Aung San Suu Kyi. I can read that to you if you want; it is not very long. The chair issued a strong statement expressing:

... grave concern about recent developments relating to Daw Aung San Suu Kyi ...

The statement reminded the Burmese government that ASEAN leaders had called for her immediate release and also stated that Burma:

... as a responsible member of ASEAN, has the responsibility to protect and promote human rights.

By ASEAN standards that is a very strong statement.

Senator KROGER—Thank you very much, Mr Woolcott. I am assured by the minister that the position of the government has not changed. It would be unfortunate if the cynics thought that we were going soft on this in our relentless pursuit for a seat on the UN Security Council.

Senator Faulkner—It would be very unfortunate. Not only would it be unfortunate; it would be utterly untrue. I have made some strong statements here tonight, including on the ongoing detention of Aung San Suu Kyi—not only her case but, as I mentioned a moment ago, there are an estimated 2,000 political prisoners in Burma, as you know. It is obviously a major impediment to political progress there. Let me reinforce: we continue to call for her unconditional and immediate release. I say that to you in the strongest possible terms. I can assure you that Australia, particularly through the Prime Minister and the foreign minister, has

consistently urged the Burmese regime to engage in a constructive political dialogue with the opposition parties in Burma, including Aung San Suu Kyi and the National League for Democracy. I believe it is on the public record that the Prime Minister and the foreign minister have regularly raised this in their discussions with counterparts from other countries. Senator, I can very strongly respond to your question, or your comment, in those terms.

Senator KROGER—Thanks very much.

CHAIR—As there are no further questions on Burma, we will now turn to Gaza.

Senator KROGER—I am happy to kick off on this. At the last estimates in February I was questioning the increase in aid funding to Gaza, in particular to UNRWA. I just want to revisit that briefly. Do we have an indication as to how those funds have been allocated and dedicated to humanitarian and reconstruction efforts in Gaza?

Ms Stokes—It is probably best to refer that question to AusAID. When questions were raised last time on the detail of our aid we suggested that it would be best handled by AusAID.

Senator KROGER—I understand that Australia has a representative office in Ramallah. Is that right?

Ms Stokes—Yes, that is right.

Senator KROGER—How many people are there?

Ms Stokes—We have one A-based representative there and there is a small number of locally engaged staff.

Senator KROGER—We just have one office there?

Ms Stokes—Yes.

Senator KROGER—That is an Australian—

Ms Stokes—A DFAT person.

Senator KROGER—What is essentially the task in that office, given that it is obviously very lightly resourced?

Ms Stokes—They liaise with the Palestinian authority. They provide reporting to us on the situation in the Palestinian territories. They report to us on the activities of other like-minded countries. They also play a role in facilitating aspects of the aid program.

Senator KROGER—What is the level of the DFAT employee who is based there?

Ms Stokes—He is an EL1.

Senator KROGER—Is it unusual to have such a small office involved in such a significant role, in terms of liaising with the Palestinian Authority, which I presume has some oversight into how our efforts are dedicated on the ground?

Ms Stokes—It is a bit hard to compare it to any other office because there is really no other office quite like our office in Ramallah. I do not know how it compares with other countries, but I think our judgement is that that office has met our needs very well over the years it has been established.

Senator KROGER—Can you expand on what you mean by, ‘There is no other office quite like our office in Ramallah’?

Ms Stokes—There is no other office in our network that is similar to the one we have in Ramallah.

Senator KROGER—What sorts of parameters are you talking about?

Ms Stokes—It is accredited to the Palestinian Authority, which, as we know, is not yet regarded as a UN state, so it has a special status.

Senator KROGER—Is any consideration underway in terms of reviewing our resourcing in that office and beefing it up so that we have—

Ms Stokes—I am not aware that there is a process of that kind underway.

Senator KROGER—Have there been any discussions about it?

Ms Stokes—I am not aware that there have been.

Mr Ritchie—Not at this stage.

Senator KROGER—So no request has come through to—

Mr Ritchie—That is our representative office in Ramallah. We, of course, provide assistance in a number of other ways.

Senator KROGER—I have one further question in relation to UNWRA, which I understand you may refer to AusAID. I am asking it of you because I am sure that you would have some views about it. That is, in America congress have moved one step further towards their scrutiny of aid that is applied. That has happened, obviously, because they are quite unhappy with the status quo and the lack of accountability and transparency in terms of where money is being directed. The US state department is proposing a plan to increase the transparency of UNWRA and has actually set aside \$1 million for the department’s inspector-general to audit USAID. Are you aware of something like that, which would certainly improve the process, accountability and transparency in terms of the way that AusAID is currently working? It would certainly appease many taxpayers who are concerned about how their money is being applied.

Ms Stokes—We are not familiar with the state department plan. It is probably better for AusAID to answer the questions relating to the scrutiny of their aid funds.

Senator JOHNSTON—What does our office in Ramallah actually do?

Ms Stokes—I thought I had answered that question already.

Senator JOHNSTON—You said it was important and had a lot of functions and all sorts of things. I have actually met Mr Scott, and he is a very nice fellow. He is in the West Bank on his own, virtually, isn’t he?

Ms Stokes—He is not only a very nice fellow but a very capable fellow.

Senator JOHNSTON—Absolutely.

Mr Ritchie—And, by the way, very productive in terms of reporting and other things on what is happening in the Palestinian territories.

Senator JOHNSTON—Take us through what he actually does.

Ms Stokes—I do not believe I can add much more to what I have said.

Mr Ritchie—He is there to liaise with the Palestinian Authority.

Senator JOHNSTON—What does that mean?

Mr Ritchie—It means he goes and talks to people.

Senator JOHNSTON—Who does he talk to?

Mr Ritchie—He talks to the full range of people—Palestinian ministers, Palestinian officials and other representatives in Ramallah and elsewhere.

Senator JOHNSTON—What does he talk about?

Mr Ritchie—He talks about Australian policy. He tries to get a sense of what is going on in the place. He talks about the progress of negotiations. He talks about relations between the Palestinian factions and a whole range of issues in which we are interested in terms of the Middle East peace process. On all that, he also liaises with his colleagues in other offices at Ramallah, because a lot of the other western countries also have offices in Ramallah. That is basically what he does. We receive quite a lot of reporting from him.

Senator JOHNSTON—Has anything substantially changed in the West Bank in the last 25 or 30 years?

Mr Ritchie—You will have been following developments in the West Bank pretty closely, Senator, as we all have, including ructions within the Palestinian factions and—

Senator JOHNSTON—There is a ruction every second day, isn't there?

Mr Ritchie—That is the point. I hasten to say that that is not Mr Scott's fault, of course.

Senator JOHNSTON—Of course not.

Mr Ritchie—But he keeps a very close watch on it. It is a small presence, but I think it demonstrates our interest in the Middle East peace process. Particularly, in a balanced way, we have representation which talks directly to the Palestinians, and I think that is very important.

Senator JOHNSTON—We give money to the Palestinian Authority.

Mr Ritchie—We do; we give money to the Palestinians through UNRWA and in a number of other ways.

Senator JOHNSTON—Does Mr Scott oversight where that money goes and what good it does or whether, in fact, it does any good at all?

Ms Stokes—He has a role in facilitating AusAID's work.

Senator JOHNSTON—So he reports back to AusAID as to the effective bang for the dollar that the Australian taxpayer is investing in the Palestinian Authority.

Mr Ritchie—He is one of the sources of information for AusAID. Again, Senator, I am sure they would be more than happy to go through this in excruciating detail for you, but he is one of their sources. They provide aid directly to UNRWA; they provide aid to a number of

other organisations that are working in the West Bank and Gaza. He is one of their sources, but they also have a range of other sources to keep track of their aid.

Senator JOHNSTON—He lives in Jerusalem with his family, does he not?

Mr Ritchie—Having been there, Senator, you know that that is correct, but Ramallah is basically a suburb of Jerusalem.

Ms Stokes—I do not think it is very helpful to go into the details of where he lives.

Mr Ritchie—I will not precisely do so, Senator, but as you know the geography is such that Ramallah is basically like one of the outer suburbs of Jerusalem.

Senator JOHNSTON—It is a fairly dangerous posting, is it not?

Mr Ritchie—It is, and on occasions we have had to close the mission when there have been riots and other things.

Senator JOHNSTON—Is this man not the only Australian representative office manager who is not Senior Executive Service in DFAT?

Mr Ritchie—No, certainly not.

Senator JOHNSTON—So what is he?

Mr Ritchie—He is a broadband 3—an EL1-level officer.

Senator JOHNSTON—How many staff does he have?

Mr Ritchie—There are just him and some locally engaged staff.

Senator JOHNSTON—And he travels from his home to this office every day in a bulletproof vehicle to liaise?

Mr Ritchie—Yes. He does what a lot of our missions do, which is to report on local circumstances, to talk to the Palestinian Authority and to cover a whole range of issues like that. He potentially looks after visitors to the West Bank.

Senator JOHNSTON—What does he have to do with Gaza?

Mr Ritchie—I do not know the answer to that.

Ms Stokes—He would collect information about Gaza indirectly.

Senator JOHNSTON—Do we have anyone in Gaza?

Ms Stokes—No, we do not have anyone in Gaza.

Senator JOHNSTON—He is our sole source of direct input from Gaza, isn't he?

Ms Stokes—No, I did not say that. We get information from many sources about the situation in Gaza, including open-source information.

Senator JOHNSTON—Sure, but of our own people he is the only one who is on the Palestinian side, be it in Gaza or the West Bank, isn't he?

Mr Ritchie—In terms of working there, yes. But I recall that it was the previous government, of course, that established the office in Ramallah, shortly after a visit by the then Prime Minister, Mr Howard. The aim of the exercise was exactly that: to demonstrate a

presence with the Palestinians, to speak to them and to be able to show an interest in their affairs. That is why the previous government established it.

Ms Stokes—And to hear Palestinian perspectives.

Senator JOHNSTON—Sure. So this is rather a symbolic exercise from our point of view—to show that we are interested, to hear what they have to say et cetera.

Mr Ritchie—It is one of our sources, yes.

Senator JOHNSTON—All right, I think that is very legitimate.

Ms Stokes—The symbolism is important, but we also value very much the reporting that we get from Ramallah.

Mr Ritchie—Yes, you provide some serious reporting for us on the situation.

Senator JOHNSTON—How much money have we given Gaza since the Israeli offensive, if we can call it that? It is \$10 million, isn't it, or \$20 million—something like that?

Ms Stokes—I have quite a few figures here but I am not sure I have a precise figure for Gaza. Sorry—we announced \$20 million in assistance to the Palestinian people at the donors conference in Sharm el-Sheikh in March, and that was in addition to \$10 million which the government committed in January.

Senator JOHNSTON—So there is a total of \$30 million to Gaza.

Ms Stokes—Yes.

Senator JOHNSTON—Who is overseeing how that is spent?

Ms Stokes—As I replied in response to the question from Senator Kroger, it is best if you ask AusAID that question tomorrow.

Senator JOHNSTON—Does not the department have some sort of threshold criteria before we go giving \$30 million to what has been one of the most troubled regions, in terms of corruption, weapons abuse, militancy and violence, in the world? Don't we, as a department, have some sort of threshold issues we would want to see established in terms of handing the money over via AusAID—if it is via AusAID—before we go handing over \$30 million to Gaza?

Mr Ritchie—We do not just hand it over. As I said, AusAID will be able to brief you in considerable detail on this. We do have checks and balances on it. We do not provide assistance to any Hamas related authority. We provide it through NGOs. There are a whole range of issues which they will be able to elaborate on. A lot of the money is, of course, post-offensive, for humanitarian assistance and other reconstruction work. But, again, they will be able to give you complete chapter and verse on that.

Senator JOHNSTON—So AusAID will be able to tell us what safeguards accompany the money—

Mr Ritchie—Yes.

Senator JOHNSTON—to make sure that it reaches the intended destination—

Mr Ritchie—Yes.

Senator JOHNSTON—and also to tell us of the positive outcomes flowing from the use of our \$30 million?

Mr Ritchie—Certainly. That is their job.

Senator JOHNSTON—But, in terms of the department, we do not know that detail, on the surface?

Mr Ritchie—We do not manage the aid programs.

Senator JOHNSTON—All right. Thank you. I have no further questions.

CHAIR—Are there further questions on Gaza?

Senator KROGER—I have one. To follow up on that: if Mr Scott is reporting back to you on a number of his activities, and giving you, as you have put it, very good information in those reports, then it is inconceivable that some of that does not relate to the application of some of that \$30 million and providing an analysis of that.

Mr Ritchie—I was not maintaining that it was. He provides reporting on a range of issues. I will not go into all the detail because a lot of it is classified. He provides reporting on a range of details and—to the extent that he provides reporting on how AusAID spends its money, or what are sensible ways of doing it from a Palestinian point of view, including liaising with the Palestinian Authority—the AusAID people read that as well. So they will be able to tell you what value they find they get out of him.

Senator KROGER—Which brings us back to where we started off earlier in the piece, and that is: what information—reporting, or whatever—has Mr Scott passed on to you, in relation to the application of money, that it is dedicated to humanitarian and reconstruction work?

Mr Ritchie—At the risk of going around in circles, may I just say what Ms Stokes already said, which is that the best people to ask about it are AusAID. It is their money. They have the checks and balances on it. They evaluate it. They have very rigorous evaluation mechanisms, including an Office of Development Effectiveness that looks at the effectiveness of their aid. I also mentioned that Mr Scott's reporting was just one source of their reporting. They also get it directly from the organisations they give money to and in a whole bunch of other ways. I am not trying to duck the question, but they manage the aid program.

Senator KROGER—I look forward to the discussion tomorrow.

Mr Ritchie—Yes.

CHAIR—Further questions?

Senator FORSHAW—I assume it is better that what existed with the Australian Wheat Board! I am sure it is.

CHAIR—No further questions on Gaza? We will now turn to Pakistan and Afghanistan. Senator Ferguson.

Senator FERGUSON—I am going to be reasonably brief, but there are just a couple of issues that I want to raise, because the foreign minister has in the past few months visited Pakistan or discussed Pakistan issues at length on at least three occasions. Can you tell us, on

the first occasion, when Mr Smith visited the United Nations to attend the first Friends of Democratic Pakistan meeting and the Pakistan Donors Conference, exactly what he achieved. We saw a lot of press releases about his going but not a lot about what was achieved at those meetings. Can you inform us about the first one, the one on 23 September 2008, I think it was.

Ms Stokes—This is first meeting of the Friends of Democratic Pakistan—

Senator FERGUSON—Yes, at the UN.

Ms Stokes—in the margins of the UNGA. Yes. There have been officials meetings of the Friends of Democratic Pakistan in the meantime, but then there was another ministerial meeting in Tokyo on—I was there but I cannot remember the date!

Senator FERGUSON—There was one in September, there was one when he visited Pakistan—which was not necessarily for that—

Ms Stokes—Yes, that is right.

Senator FERGUSON—on the 16th and 18th, and then another one in Tokyo on 16 April. I would just like to know what was achieved at those three meetings.

Ms Stokes—I think I will put the minister's visit to Pakistan in a different category. In terms of the Friends of Democratic Pakistan, this is an initiative that I would say is still in its early days. It is designed, in essence, to demonstrate to Pakistan and also the people of Pakistan that there is widespread international support for them in their efforts to deal with their multiple acute challenges. One very important feature of the Friends of Democratic Pakistan is the fact that it includes a wide range of countries—so, not just western countries; it is a group that includes other countries as well. The importance of the Friends process is partly symbolic, demonstrating that there is this widespread international support for Pakistan. Over time, our goal is to engage with the Pakistani government as friends in a discussion about the best way that Pakistan, together with its friends, can address its problems—help shape its strategies and at the same time offer assistance to help it address its problems. It is our sense that this forum will take some time to achieve concrete results. But, in terms of being a tangible demonstration of international support, it has already achieved that to some degree.

Senator FERGUSON—What sorts of results are they looking for?

Ms Stokes—We will be looking for an improvement in the situation in Pakistan.

Senator FERGUSON—I spent all last week in Sydney with the Speaker of the North-West Frontier Province, and he did not need symbolism where he was, I can tell you! I am just wondering: what are the practicalities to come out of these meetings? It is one thing to talk about it and it is one thing to have the symbols, but he was in desperate need of more than symbols, I can tell you.

Ms Stokes—Yes. The Friends of Democratic Pakistan meeting was a companion meeting, if you like, to the Pakistan Donors Conference, and there was \$5 billion worth of tangible assistance given to Pakistan at that conference.

Senator FERGUSON—For what purpose?

Ms Stokes—For development of Pakistan. A major focus included the border region. A lot of donors said that their aim was to expand the assistance to the border areas.

Senator FERGUSON—I am just not quite sure what you mean by ‘development in the border area’.

Ms Stokes—You know what development assistance is.

Senator FERGUSON—Yes.

Ms Stokes—It is a donor’s conference. It is development aid and the development aid, according to the donor, will be used for a wide range of activities.

Senator FERGUSON—Was any of it used for military purposes or protection? These people have been driven out of their towns.

Ms Stokes—Yes. So you are now talking about the acute IDP problem. Do you have a question about that, Senator, that we face right now?

Senator FERGUSON—That is one of the areas. There are two problems. One is that they need some help just to build up the infrastructure of their daily lives. The other is to protect their position so that they are still there next week. I am just wondering whether the money from the donors is used for all of those purposes or just for buildings or infrastructure or whatever.

Ms Stokes—There is a wide range of circumstances. In the case of Australia the assistance we committed to will be used for development purposes as well as for immediate humanitarian assistance.

Senator FERGUSON—What is the current travel advisory to Pakistan? Whatever it is our cricketers obviously took notice of it. I assume that it was probably about No. 3 on the list.

Ms Stokes—For Pakistan overall it is ‘reconsider your need to travel’. For Baluchistan, the North-West Frontier province, the federally administered tribal areas and the border areas with Afghanistan and India it is ‘do not travel’.

Senator FERGUSON—Is Baluchistan as dangerous as the North-West Frontier?

Ms Stokes—In terms of the travel advice it is in the same category.

Senator FERGUSON—I wish I had known that, because the Speaker from Baluchistan was there too. Is the overall assessment of the political situation in Pakistan that it is stable, relatively stable or perhaps a little unstable?

Ms Stokes—I think what one needs to recognise is that the elections last year went very well and the result was very credible. We have seen a process since then of the government applying the rule of law. So in that sense the process has gone well. Of course, there are politics in Pakistan and, as we saw recently, that can reach destabilising proportions. But the politicians stepped back from the brink and allowed a bit more stability. I have no reason to think that the government is not stable, as such.

Senator FERGUSON—The government might be stable but there has been an increase in suicide bombings and an increase in instability in the west and the further you get to the border.

Ms Stokes—Yes. There is no doubt that Pakistan faces acute problems in their security situation. There is extremism of various kinds from various groups. It is not one group that is causing the problem; it is multiple groups. The situation of the extremism is that it is quite diverse across the country and that in different parts it is a different problem. It faces acute economic problems. It is the subject of an IMF assistance program. It faces many problems and quite acute poverty levels in many areas, including in the border areas, where poverty is quite extreme.

Senator FERGUSON—How large is our post in Islamabad?

Ms Stokes—I do not know the precise numbers.

Mr Ritchie—We will get them for you.

Senator FERGUSON—But it is reasonably large, isn't it?

Mr Ritchie—It is large, and in fact it is growing.

Senator FERGUSON—It is growing because of the situation?

Mr Ritchie—Indeed.

Senator FERGUSON—Do we have people based elsewhere in Pakistan or just in Islamabad?

Mr Ritchie—Just in Islamabad.

Senator FERGUSON—Moving away from Pakistan to Afghanistan, is the Australian government actively engaged in discussions with any of our European friends to convince NATO countries that they need to commit further troops and other support to Afghanistan?

Ms Stokes—That has been a recurring theme of Australian engagement with NATO countries.

Senator FERGUSON—How successful have we been?

Ms Stokes—We have had some success over the recent period. We have a number of other countries participating in Oruzgan province, which we did not have a couple of years ago.

Senator FERGUSON—It just seems, when we look at the top 10 contributors to ISAF, that if you took away the USA and the UK there would not be much left.

Ms Stokes—They are major contributors, for sure.

Senator FERGUSON—I think the last numbers we had were that 34,000 or 35,000 of the troops that are committed are from the top 10 contributors. While there are people there from Germany, a few from France and a few from Italy, the Netherlands and Poland, that is just about it.

Ms Stokes—I think important context here is that the international effort in Afghanistan has to be comprehensive. Everyone recognises that it is not only a military effort that needs to be made. There also have to be efforts in promoting government development and promoting the capacity of the police. The European countries, it has to be said, are contributing, many of them very generously, in those areas.

Senator FERGUSON—I guess we will have some more questions for Defence rather than asking them here. Is Australia's recent additional commitment of troops, in this case for election monitoring in Afghanistan, at a cost of Europe's lack of commitment to the ISAF mission?

Ms Stokes—The additional troops are not solely for the elections, but that is one big part of it for the additional troops. A lot of other countries are contributing to security for the elections. I do not have the figures here, but we are not the only country that is contributing more for the elections.

Senator FERGUSON—On 30 March the foreign minister made a statement that he wanted to 'urge the international community to reaffirm its collective resolve and determination on Afghanistan'. Can you tell me what actions Mr Smith himself has undertaken with regard to this stated resolve?

Ms Stokes—He participated in the Afghanistan support conference in The Hague, which is where he issued that statement.

Senator FERGUSON—And did he get collective affirmation?

Ms Stokes—Yes. That conference is generally regarded as having been a very positive and constructive statement of collective resolve. It followed the Obama administration's review, which was widely welcomed by the international community, and that was demonstrated at that conference in The Hague. Australia was there and part of that process.

Senator FERGUSON—I guess it is one thing to affirm the collective resolve; it is another thing to take action on that resolve either with troops or by becoming a donor. I am not sure that we have seen that sort of response to the resolve that might have been collectively affirmed. I note that there is an \$80 million increase in the forward estimates in the budget for Afghanistan and Pakistan and that the European parliament has called on the European Commission to regularly evaluate the effectiveness of European Union financial assistance. I guess the question that follows is: what mechanisms of evaluation are in place to ensure that Australian financial assistance is being directed effectively?

Ms Stokes—Again, I think it is best to ask AusAID that question.

Mr Ritchie—At the risk of sounding like a cracked record, I think that is true.

Senator FERGUSON—I think we had better set aside another few hours for AusAID.

Mr Ritchie—Rest assured we are passing all this on to them.

Senator TROOD—They may even be paying attention, Mr Ritchie.

Senator FERGUSON—Yes, they might be watching. I have no further questions, Chair.

Senator JOHNSTON—Ms Stokes, what are our plans with respect to monitoring the upcoming elections in Afghanistan? What do we anticipate doing with respect to ensuring that there is a fair and proper contest?

Ms Stokes—We have to date through the aid program contributed \$8 million to support the UN and the Afghan independent election commission's efforts on voter registration, outreach and also funding for the Electoral Complaints Commission. We are also currently considering the possibility of support for regional election monitors—regional meaning from the

neighbouring region of Afghanistan through a non-government organisation. We have also committed, as we talked about earlier, a temporary deployment for eight months of an infantry company, 120 personnel and airlift support to provide or contribute to security for the elections. Recently, there was a meeting of an Afghanistan and Pakistan Support Group, of which Australia is a member, and Australia's special envoy for Afghanistan and Pakistan participated in that meeting. The meeting issued a communique on the elections emphasising the importance of freedom of expression in the media, freedom of assembly, freedom of movement and freedom to form political groupings and also emphasised other principles that are important for the elections in Afghanistan.

Election observership is something that we are looking at very actively. We would like very much to be able to contribute to the election observation arrangements. We are in very close consultation with the organisations on the ground, including the United Nations, about that as well as other countries. It is important that we go hand in hand with what other countries are doing for the observation arrangements. It is fair to say that at this stage those arrangements are still fluid and there is still quite a lot of assessment being undertaken of what might be the best role for international observers and where they might be placed. Finally, I should say that security will be a very important aspect of that and will be paramount.

Senator JOHNSTON—Do you anticipate the observers will be civilians?

Ms Stokes—It is usually desirable that they are civilians.

Senator JOHNSTON—I am sure it is, but I am not sure this is a terribly hospitable climate for them.

Ms Stokes—We are working on the basis that ideally they would be civilians.

Senator JOHNSTON—If that is a consideration at this end of the planning we must be looking to have an enormous increase in the number of armed personnel to protect them.

Ms Stokes—We are still very much at the early stage in working out what the arrangements might look like. There is a preference being expressed by those organisations on the ground responsible that there not be a very heavy Western military presence around electoral polling stations.

Senator JOHNSTON—We are registering voters now. The elections are on in August.

Ms Stokes—Yes.

Senator JOHNSTON—Respectfully, I do not think there is a lot of time for us to—

Ms Stokes—There is not a lot of time. As I mentioned, there is a lot of work going into this issue right now, to collect information about the elections and what the observer arrangements might be. As I think parliamentarians know very well, you do not arrive uninvited to be an observer, you work through the arrangements in place and you are usually invited by the government—

Senator JOHNSTON—And recognised NGOs?

Ms Stokes—Yes. But they are normally there, though, with some mandate from the government.

Senator JOHNSTON—Are we looking to establish some fundamental thresholds with respect to the registration of voters by gender?

Ms Stokes—The registration process, as I understand, is complete.

Senator JOHNSTON—What are the gender statistics? Have we got 95 per cent male and five per cent female?

Ms Stokes—Just let me see if I have that information. I am not sure that I have that information here and I will have to take that on notice.

Senator JOHNSTON—I think it is very important that there be some equating of the two genders who are registered to participate in this election. I think it would be farcical if we are committing 100 troops to look after various people and the whole thing is rigged from the beginning in favour of men. It will really make a mockery of the whole thing if registration has not occurred such that there are women enrolled to vote and participate in this election on a similar basis, and with full and proper civil liberties. I would have thought that we would be right on top of that issue.

Ms Stokes—I am sure we have that information and we will take that on notice.

Senator JOHNSTON—I would very much like it to be available to us prior to the elections. With respect to Pakistan, do we have a mission in Islamabad?

Ms Stokes—Yes.

Senator JOHNSTON—And it is an embassy?

Ms Stokes—No, it is a high commission.

Senator JOHNSTON—Sorry, a high commission—of course it is. And what is the staffing level of that?

Mr Ritchie—We have already undertaken to take that on notice, in response to an earlier question.

Senator JOHNSTON—Okay. If you are taking that on notice, and I suppose it would be too much to think that you would know this, but can you also tell me how many times we have engaged the local Pakistani mission here, with respect to contemporary and current issues in Pakistan during the last three years?

Ms Stokes—Quite a lot.

Senator JOHNSTON—Why do you say, ‘quite a lot’?

Ms Stokes—Because I personally have engaged with the high commissioner quite a lot.

Mr Ritchie—As have I, many times.

Senator JOHNSTON—Would it be more often in the last 12 months, for example?

Mr Ritchie—I have not been dealing, for example, with Pakistan for about eight or nine months. Prior to that, I used to see him very regularly. My colleague Miles Kupa, Deputy Secretary, would see him very regularly as well.

Senator JOHNSTON—And what, generally, would be the subject of our engagement of the local mission, with respect to what was happening in Pakistan? What are the areas of discussion that we entertain with them?

Ms Stokes—It would be a full gamut of issues. It would be the question of visits that might be going from here or coming from Pakistan—the program arrangements. It would also include discussions on substance; for example, issues relating to the Pakistan government's approach to dealing with terrorism. And there are aid activities that the High Commissioner will, on occasion, raise with us and which we then strongly recommend he speaks to AusAID about.

Senator JOHNSTON—Do we discuss with them their relationship with India?

Ms Stokes—Yes, that is discussed.

Senator JOHNSTON—And have they indicated a view with respect to the 14 consulates opened in Afghanistan by India?

Ms Stokes—I would not say that the number 14 has been mentioned to me, but India's role in Afghanistan does come up.

Senator JOHNSTON—They are most concerned about that.

Ms Stokes—Yes, they have conveyed that.

Senator JOHNSTON—And what has our attitude been to that development?

Ms Stokes—I think we are getting into an area where we are commenting on discussions that are usually undertaken on the expectation that they would be kept in confidence. Just generally, our approach to Pakistan and India relations is that we very much encourage both countries to try to improve their relations, wherever that is possible.

Senator JOHNSTON—Have we provided any counterterrorism assistance to any of Pakistan's neighbours with respect to recent activities, to your knowledge?

Ms Stokes—I am not sure I understand the question.

Senator JOHNSTON—We have had the Mumbai raids—

Ms Stokes—Assistance to Pakistan's neighbours in relation to Mumbai?

Senator JOHNSTON—To India and to Afghanistan with respect to the Mumbai incident and with respect to the Kabul incident where the allegation is that there was a Pakistani government sponsored activity.

Ms Stokes—Your question has many elements to it and I am not quite sure I fully understand them. In relation to the Mumbai attacks we certainly offered assistance with investigation to the Indian government, which they were not in a position to take up. But we offered that immediately.

Senator JOHNSTON—My understanding is that currently there are 15,000 Pakistani troops in the Swat Valley fighting it out with the remnants of the Taliban force that was there about a month ago and that some 500,000 people have been displaced by the action.

Ms Stokes—I think the numbers are even greater.

Senator JOHNSTON—What are we offering to Pakistan? What is on the table right now with respect to that?

Ms Stokes—To dealing with the humanitarian issue?

Senator JOHNSTON—Yes.

Ms Stokes—The government has provided \$12 million in humanitarian assistance to those displaced by the recent fighting.

Senator JOHNSTON—I find that rather curious when we gave \$30 million to Gaza and we have more than 500,000 people displaced here and we are giving \$12 million.

Ms Stokes—I think the question of further assistance in relation to Pakistan for the IDPs is something that we are keeping under review, and that AusAID is keeping under review.

CHAIR—Does that \$12 million come under the category of emergency humanitarian assistance or is it aid proper?

Ms Stokes—You would have to ask AusAID that question. Its purpose is humanitarian and it is being delivered through the United Nations, the Red Cross and also Australian NGOs.

CHAIR—Arising out of the war in the Swat Valley?

Ms Stokes—Yes that is right. Not only in the Swat. There has been internal displacement of populations beginning late last year as a result of other military actions but also floods.

Senator JOHNSTON—In terms of the symbolism with respect to this money: \$30 million to Gaza and \$12 million here, which is under active review. When is it likely that we will have a further evaluation of the situation? I think the matter has been quite predictable for some time now—certainly for about a month with respect to the mobilisation of the troops. Is there a timetable with respect to us dealing with the humanitarian crisis in Pakistan, given that we are seeking to encourage a democratic process and the rule of law, et cetera?

Ms Stokes—We are keeping the humanitarian needs under review. I am not in a position to indicate if and when we may be giving any further assistance. Perhaps AusAID might be able to shed more light on that. What I can say is that our overall aid to Pakistan in the coming year will be almost a doubling of assistance in the current year.

Senator JOHNSTON—With respect to the security of the nuclear weapons that Pakistan has, do we have any source of information other than from our American allies? Do we ourselves conduct any non-proliferation activity with respect to the security of those weapons? Do we have any expertise in Pakistan assisting the Americans or acting unilaterally with the cooperation of the Pakistan government to make sure that the various components of those weapons are kept separate and secure?

Mr Ritchie—I am not aware of anything, Senator.. We do not expertise in that area.

Senator JOHNSTON—So we rely largely upon the Americans.

Mr Ritchie—The Americans have a very significant interest in it, as you would imagine.

Senator JOHNSTON—I think we have a significant interest also.

Mr Ritchie—We all have a significant interest; they have the wherewithal.

Ms Stokes—What I can say is that Pakistan has assured the international community that its nuclear program is secure, and we take opportunities to urge Pakistan to continue to ensure that it does have its nuclear materials under full protection.

Senator JOHNSTON—I note you used the words ‘nuclear program’. It is not a nuclear program; these are nuclear weapons.

Ms Rawson—In regard to the nuclear program, Pakistan has both a military program and a civil nuclear program.

Senator JOHNSTON—Yes. I am not so much concerned with the civil nuclear program.

CHAIR—Are there further questions on Pakistan and Afghanistan? There being none, we will move to Asia-Pacific community.

Senator TROOD—Mr Woolcott, I think in the last estimates we discussed this matter—the Prime Minister’s proposal for an Asia-Pacific community dialogue, idea, vision or aspiration—whatever it might be. I think you told us that Mr Woolcott Sr was about to deliver his report to the Prime Minister in the last hearings. Is that correct?

Mr Woolcott—Yes. He delivered his final report in March this year.

Senator TROOD—What was the final cost of his activities in preparing the report?

Mr Woolcott—For obvious reasons we have walls between myself and the financial aspects of the program. I will hand that over to CMD.

Mr Wise—Senator, from the information I have here, funding of \$0.549 million—\$549,000—was provided for the consultations and the subsequent report writing by Mr Woolcott. That covers his travel costs and the other support costs for his activities.

Senator TROOD—So this is the cost of the whole enterprise.

Mr Ritchie—That is right.

Senator TROOD—It is Mr Woolcott’s fee or consultation costs as well as his travel.

Mr Wise—Yes. That is all the associated costs.

Senator TROOD—And the travel that was undertaken by an officer or however many people were—

Mr Wise—The officer who travelled with him as well. It is the total cost of the initiative.

Senator TROOD—And that figure was provided for in the 2008-09 budget. Is that right?

Mr Wise—That is right.

Senator TROOD—There has been no provision, as I understand it, for any further expenditure in the 2009-10 budget?

Mr Wise—No, Senator.

Senator TROOD—I think we can come back to you, Mr Woolcott. So the report was delivered in March. Is that right?

Mr Woolcott—Yes.

Senator TROOD—What did it say?

Mr Woolcott—It is a confidential report from the special envoy to the Prime Minister. The Prime Minister gave a keynote address at the Shangri-La Dialogue in Singapore on Friday, and in that speech, which I commend to you, he dealt at length with the Asia-Pacific community and referred to the report by the special envoy. He outlined there the key findings for where Australia might go from here. I can take you through the Prime Minister's speech.

Senator TROOD—I am familiar with the speech. He does say these are the key findings of the report. Are these the only findings of the report? When he says the key findings I take it he means the most significant, the most important and the most arresting of the findings of the report. Is that a fair summary of them?

Mr Woolcott—That would be a fair summary.

Senator TROOD—He said in his remarks that there was broad agreement on the value of a focused discussion. That is right?

Mr Woolcott—Yes.

Senator TROOD—So, to paraphrase, his interlocutors were agreed that it was a good idea. There was further agreement that the current structures do not provide a single arena to discuss the range of issues. That is the second point?

Mr Woolcott—Yes.

Senator TROOD—'Thirdly, it is clear that no-one wants more meetings.' Is that the essence of it?

Mr Woolcott—The essence of it is actually in the next line: 'There is no appetite for additional institutions.' I think that is the essence of the report in that regard and of the Prime Minister's comments in his speech.

Senator TROOD—Is that all you get for \$949,000?

Mr Woolcott—No, but what the Prime Minister is doing is distilling a very comprehensive report which goes into considerable detail in many of these matters. He saw governments at a very high level. He visited a very wide range of countries. He was received very warmly and there was considerable interest in the Prime Minister's initiative. The Prime Minister also set out the next steps in that approach. The report was a very comprehensive and extensive one. The Prime Minister there is distilling three key points that came out of that report.

Senator TROOD—Having some familiarity with your career, distinguished service and diligence, I do not doubt that it was a comprehensive report. It strikes me that these three points amount to not a great deal if they are the key points from a report whose inquiries took 12 months to complete and cost the Australian taxpayer \$949,000. Perhaps you need to amplify these key points. Perhaps it would help me understand more fully what was in the report.

Mr Woolcott—It is a matter for the Prime Minister how he wants to detail what was contained in that report. The first of the key findings is the broad agreement on the value of the focused discussions, and what came out of that were a whole variety of views about existing architecture, how it works, how it could be made to work better, what could be done with the overarching concept of an Asia-Pacific community—there are a lot of views out there

and a lot of interest in how we take this forward. As the Prime Minister says, it is a visionary initiative of his. He puts a time line of 2020 on it; he is not trying to do it this year. There are now next steps as a follow-up. My strong sense from my own reading of the report and the Prime Minister's clear reaction to it—the fact that he has made the APC the centrepiece of what was a very major speech in Singapore—was that he was well satisfied with the report. He thinks it has been a very useful start to an important process. But it is a start.

Senator TROOD—I see. Can you give us some sense of the nuances in the report about these different perspectives? This is the Prime Minister's own account. From what you said, if these are the key findings then I think there are many of us who would have been able to write a report which said much the same thing, and they could have done it in March 2008, when the whole enterprise was commissioned at rather short notice.

Mr Woolcott—It is really for the Prime Minister to elaborate further on the contents of that report; it is a confidential report to him. But I would also say that he has made Mr Woolcott available to brief both the Leader of the Opposition, Mr Turnbull, and the shadow minister for foreign affairs, Ms Bishop, about the report. Mr Woolcott has done that. I am sure he would be prepared to do that again, but it is not for me here to pre-empt the Prime Minister and elaborate on the details of what was a private report.

Senator TROOD—I see. I take it from your remarks that it is not intended that the report will be made public.

Mr Woolcott—It is not my decision; it is the Prime Minister's.

Senator TROOD—Has there been any consideration of making the report public that you know of?

Mr Woolcott—I am aware that there has been consideration; I am not aware that there has been a decision on that.

Senator TROOD—I see. So we are awaiting that possibility.

Mr Woolcott—Yes.

Senator TROOD—So there may be an opportunity for the public to see what value it got for its \$549,000?

Mr Woolcott—Indeed, I think that the value will be seen over a period of time as well. The Prime Minister has proposed a 1½-track conference for later this year, and he will also be briefing EAS leaders at the next summit in October. He had been hoping to do that at the Pattaya summit in June, which was cancelled, but as he mentioned in his speech he will be doing that in October. The 1½-track conference, I think, will be a very interesting exercise in further elaborating on the Prime Minister's vision for an Asia-Pacific community. These things take time. Diplomacy sometimes moves at its own pace.

Senator TROOD—It is a glacial speed, perhaps.

Mr Woolcott—No, not a glacial speed, but it is a visionary concept and, as the Prime Minister said, he is not rushing it. He wants it done by 2020.

Senator TROOD—I think he may be lucky if he makes some progress by then if he is still around. He mentioned that there now seems to be a further stage in this process. Is that right?

Mr Woolcott—Yes, the next stage is the 1½-track conference, at which he will bring together academics and government officials and toss the ideas around.

Senator TROOD—I see. Was that one of the recommendations of the report?

Mr Woolcott—I believe it was.

Senator TROOD—So this was yet another key finding or suggestion—a recommendation, anyway—in the report: that there should be a further conference.

Mr Woolcott—Correct.

Senator TROOD—I see. And the Prime Minister has adopted that recommendation. When might that conference be taking place?

Mr Woolcott—The Prime Minister is talking about the end of the year.

Senator TROOD—The end of this year?

Mr Woolcott—Yes, but he has also very carefully set out a process of consultation with regional leaders at the EAS in October and then at APEC in November. So it will be after that, should a suitable time in the calendar be found.

Senator TROOD—Is the conference at the end of the year contingent upon those discussions taking place and the results of those discussions?

Mr Woolcott—No.

Senator TROOD—Are they just going to take place as a matter of process, leading into the conference?

Mr Woolcott—No, they are far more than a matter of process; he will be genuinely interested in the views of the leaders he is talking to, and they will feed into the conference as well in terms of how it is structured and who might be there. The Prime Minister has made it very clear that he wants this process of consultation to take place before the conference.

Senator TROOD—I see. So he is going to speak to governments yet again—

Mr Woolcott—Leaders.

Senator TROOD—leaders—through the existing fora. The proposal is that he will, in your words, kick some ideas around at a conference towards the end of the year. Is that right?

Mr Woolcott—Yes. The conference will be towards the end of the year.

Senator TROOD—Who is going to pay for kicking these ideas around?

Mr Woolcott—As we would be the host of that conference, Australia would pay a significant amount of the cost. No budget has been determined for this at this stage.

Senator TROOD—From where are we going to pay this? Mr Wise, can you give me some encouragement that there is some money for yet another part of Mr Rudd's vision?

Mr Wise—It is yet to be determined.

Senator TROOD—This process continues and there in fact is not any money—at least there is no allocated funding—for the next part of the process.

Mr Wise—Not at this stage. Mr Woolcott Snr's report has only just been presented to the government. The Prime Minister's speech was only last week. So we will await—

Senator TROOD—His report was actually presented in March, I presume during the course of the budget—

Mr Wise—But it is being considered by the government and the Prime Minister has only last week announced how he intends to take the process forward. We will consider the budgetary issues in the coming months.

Senator TROOD—Can you help the committee with any suggestions as to where the funds will come from for this exercise?

Mr Wise—Not at this stage.

Senator TROOD—Have you made any calculations as to the likely cost of the conference?

Mr Wise—No, it is too early.

Senator TROOD—Are you in the process of doing those calculations at the moment?

Mr Woolcott—I will be meeting with Prime Minister and Cabinet later this week. That will be our first chance to sit down and discuss in detail some parameters of the conference. Obviously the Prime Minister will want to have a look at what we might come up with at the officials' level, but those discussions will start later this week.

Senator TROOD—This is a one-and-a-half track conference?

Mr Woolcott—Yes.

Senator TROOD—That means a diverse range of participants?

Mr Woolcott—Including government.

Senator TROOD—From right across the APEC region?

Mr Woolcott—Again, we will have to look. Those are issues we will need to make decisions or recommendations to the Prime Minister on. You could assume that certainly the countries that Mr Woolcott visited during his consultations are likely to be invited.

Senator TROOD—And how many countries was that?

Mr Woolcott—It was all the ASEAN countries minus Burma, the APEC countries minus the economies, and India.

Senator TROOD—Is it the plan at this stage—or perhaps you do not know—to have both official and nonofficial representatives from each of the countries?

Mr Woolcott—That has not been decided yet. The Prime Minister has not had a chance to look at the detail in terms of recommendations.

Senator TROOD—You will have a discussion about this later in the week—

Mr Woolcott—At an officials' level.

Senator TROOD—Yes. Is there a deadline by which you hope to have some kind of parameters drawn up for this?

Mr Woolcott—Obviously, if we have a major conference to organise by the end of the year, we would like to get moving on this.

Senator TROOD—Is that a responsibility that the department is going to undertake or are you going to outsource this activity?

Mr Woolcott—No decision has been made on that at this point.

Senator TROOD—Does the conference bear in any way on the results of the white paper or the conclusions that were reached in the—

Mr Woolcott—The defence white paper?

Senator TROOD—Yes.

Mr Woolcott—No.

Senator TROOD—Did Mr Woolcott's report bear in any way on the defence white paper?

Mr Woolcott—I believe that they were completely separate exercises.

Senator TROOD—I see. So they are not integrated in any way. Have you or the Prime Minister sought views from any other agencies of government about this exercise at the moment?

Mr Woolcott—About the APC or the conference itself?

Senator TROOD—No, about the APC idea.

Mr Woolcott—I believe that ONA have been involved in discussions.

Senator TROOD—Have you invited ONA to provide an appreciation or an assessment of this at all?

Mr Woolcott—It is not for us to task ONA.

Senator TROOD—No, I know. I understand that, but it could be that you might suggest that there would be some value in having ONA provide an assessment or an appreciation. Has the department suggested that to the Prime Minister's office at all?

Mr Woolcott—No.

Senator TROOD—I think you told us at least in February, Mr Woolcott, about this whole exercise that there is no great enthusiasm for a whole new piece of architecture around the region.

Mr Woolcott—No enthusiasm for a new institution. There is plenty of interest in how you can—

Senator TROOD—This is what can happen, isn't it? These were your words. If you want to correct them, please do so, because I was going to ask you whether or not the subsequent consultations that had not been concluded when we spoke in February had revealed anything further about the way in which this whole issue should be approached. You said:

The one thing I think is accurate is that there is no great enthusiasm for a whole new piece of architecture. They would like to make the existing ones work—

and I presume you mean institutions there—

but as to how you do that there are lots of different views.

That was an expression of a conclusion which you provided us with in February, prior to some key consultations, I think. They had not been concluded. Am I right in saying that?

Mr Woolcott—Yes, that is correct. In fact, I am still of that view. I would not change a word there.

Senator TROOD—So the subsequent consultations, the ones that had not been concluded at that stage, only reinforced or at least did not detract from that conclusion. Is that right?

Mr Woolcott—That is right. I think probably the most interesting development since then, as I recall—I am not sure when that Senate estimates was in February—is that the special envoy visited the US from 23 to 26 February. One of the interesting things that came out of that visit, and it was subsequently repeated by Secretary of State Clinton, is the American interest in signing up to the Treaty of Amity and Cooperation, which is a substantial shift in their policy and their engagement with the region and does potentially open up institutions such as the EAS, if the US should choose to go down that path. That is quite an interesting development.

Senator TROOD—That gives encouragement to the Prime Minister's vision.

Mr Woolcott—I would agree with that.

Senator TROOD—Has anything else taken place in the region that might give us reason to think that this is a better idea than it was in March 2008, when it was first thought of?

Mr Woolcott—I think it has always been a good idea.

Senator TROOD—That may be, but the question is: has it become a better idea since March 2008?

Mr Woolcott—Certainly the US interest in the Treaty of Amity and Cooperation is a positive development.

Senator TROOD—Yes. Is that it?

Mr Woolcott—That is it.

Senator TROOD—That is the only thing we can point to?

Mr Woolcott—No, you can point to the outcome of the consultations which, as I said, were very warmly received and a great deal of interest was engendered in the idea of an Asia-Pacific community. There is considerable interest out there in where this might lead to. There is an acceptance and an understanding that the existing architecture is a bit disjointed and it does not serve that overarching purpose that the Prime Minister is seeking for his initiative. It is well understood that there are flaws in what is the existing and current architecture.

Senator TROOD—We understand that, but this is not a revelation, is it?

Mr Woolcott—The report is not a revelation, but it contains a lot of very solid, concrete work and it is the basis for the next phase, which is the one-and-a-half track conference. I think it is true to say that it has advanced considerably the Prime Minister's initiative. This is an issue that was not being discussed prior to the Prime Minister announcing it in his speech in June last year. It is now very much on the international agenda. It is now very much a

subject of discussion. It is the subject of a major speech such as the Shangri-la Dialogue. The Prime Minister has brought this issue a long way.

Senator TROOD—He has generated a lot of discussion around it; I acknowledge that.

Mr Woolcott—A lot of interest, yes.

Senator TROOD—And he has spent a lot of taxpayers' money to conclude what I think are the key points, things which have been in common discussion around the region for 10 years, not just in the last 12 months or so. Tell me, Mr Woolcott, have events in North Korea over the last week or so—

CHAIR—Senator Trood, we are 15 minutes over time for our scheduled tea break at nine o'clock. Do you have much more on this topic? If so, we will suspend and return.

Senator TROOD—I do not have much more, Chair, so maybe you could indulge me a bit more.

CHAIR—All right.

Senator TROOD—In your mind, Mr Woolcott, do the events on the Korean Peninsula in any way affect the value of this Asia-Pacific community idea? How does that feed into the view we have about the value of the new community idea?

Mr Woolcott—Obviously, Senator, I do not do North Korea in the department—

Senator TROOD—No, I appreciate that.

Mr Woolcott—and the report was completed long before the most recent—

CHAIR—And, really, you are being asked to speculate because, as you informed us earlier, there is going to be a meeting on the development of this some time later this week, I think you said, where there will be discussion.

Mr Woolcott—Thank you, yes.

CHAIR—That is, the government does not have a position on that as yet.

Senator TROOD—It is entirely possible, Chair, that I have asked all the questions I need to ask on that particular area.

CHAIR—That is good. Are there any further questions on the Asia-Pacific community?

Senator TROOD—Perhaps I should just ask one other. Mr Woolcott, you have seen the reports of Dr Sudarsono's remarks on the community of, I think, last week.

Mr Woolcott—Yes.

Senator TROOD—Are his remarks, which have been reported in the newspaper, consistent with the Indonesian government's position on this issue, or do you take them to be personal remarks?

Mr Woolcott—The Indonesian defence minister, Dr Sudarsono, is obviously a highly regarded minister for defence—

Senator TROOD—Indeed, he is.

Mr Woolcott—and a highly regarded academic prior to that, and he has views which he would have made probably in his personal capacity, I suspect, because I do not think they reflect the views that have necessarily been put to us by the foreign minister. But I would also note that in the *Sydney Morning Herald* today it is reported that he was at the Shangri-la Dialogue and his approach seems to have changed a little bit. He is quoted in that paper as having said:

... he supported a broad dialogue that would encompass most of Asia and extend beyond security and defence discussions to include business and education.

So he is clearly interested in this idea. I did see the press reports a few days ago in one of the newspapers but I was also struck by his comments, having attended the Shangri-La Dialogue and having heard the Prime Minister's speech, where he seems to have shifted ground a little bit.

Senator TROOD—I see. No doubt the Prime Minister has been very persuasive on the topic. That is as much as I have, Chair.

CHAIR—Thank you. I believe that now concludes our deliberations.

Senator FERGUSON—We have not finished the portfolio overview.

CHAIR—We have indeed finished the portfolio overview.

Senator TROOD—We have not finished the portfolio overview; we have finished those issues—

Senator FERGUSON—We have finished those issues we went into tonight.

Senator TROOD—Yes. There are still some issues in the portfolio overview.

CHAIR—No. Once we have concluded discussions on the portfolio overview we will proceed to the agenda.

Senator TROOD—That is what I am saying, Chair. We have not finished the discussion. We agreed that the department could release some of its officers.

Senator FERGUSON—We will be finished by 12 o'clock tomorrow.

CHAIR—Then we will continue with the portfolio overview this evening.

Senator FERGUSON—No, we told them to go home.

CHAIR—You do not tell them to go home and I did not tell anyone to go home. You provided me with a list of four topics. I outlined that to the officials. Once we have concluded the portfolio overview we will proceed with the agenda.

Senator FERGUSON—Possibly notwithstanding we have—

Senator TROOD—I am sorry, Chair—

CHAIR—You might be sorry, but that is the way we are doing it.

Senator TROOD—Mr Ritchie asked whether or not we could accommodate his officers, and we on this side were more than happy to try and do that. We gave you a list of topics which were part of the portfolio overview and which we proposed to discuss with Mr Ritchie's officers this evening. We did not at any stage say that that was the end of the

portfolio overview. We said that these were part of the portfolio overview, that we wanted to discuss them this evening and that we were not sure how much time they were going to take. As it has turned out—

CHAIR—And no-one is limiting your time. We are on portfolio overview. If you do not have any questions, that will conclude the discussion of portfolio overview.

Senator FERGUSON—We will start the questions and there will not be anybody here to give the answers.

CHAIR—That is fine. Then we will go to the next item on the agenda.

Senator FERGUSON—Pardon?

CHAIR—We have an agenda. The first item is portfolio overview. When portfolio overview discussions are concluded we will then proceed to the program.

Senator FERGUSON—Well, we will be going on portfolio overview all night.

CHAIR—Okay. That is fine.

Senator TROOD—The point is that we have not concluded the portfolio overview.

CHAIR—That is right, and I am saying to you: what topic do you now wish to proceed with on portfolio overview?

Senator TROOD—Since you have pointed to the time and we are now nearly 25 minutes over our break, then perhaps we should do that.

Senator FERGUSON—Have a break and discussion.

CHAIR—Then we will resume portfolio overview.

Senator FERGUSON—Let's have a short meeting, can we?

CHAIR—Fine. The committee will adjourn and resume at 9.40 pm.

Proceedings suspended from 9.22 pm to 9.31 pm

CHAIR—Mr Ritchie has advised that he has some information which he wishes to provide to the committee.

Mr Ritchie—We wanted to provide answers to a couple of questions asked earlier in the day, and one correction, which I will ask Mr Wise to make. Firstly, in regard to Senator Ferguson's questions about Zimbabwe, the number of Australians and so forth, the embassy in Harare estimates that as of 31 March 2009 there are about 540 Australians living in Zimbabwe. The post estimates that a further about 400 Australians visited Zimbabwe in the 12 months to 31 March 2009. As of 31 March 2009 there were actually 565 Australians registered with the embassy in Zimbabwe, which is presumably a combination of long-term residents and short-term visitors, given the difficulty with the numbers. They are some of the numbers you are asking for. I might ask Mr Wise to pass on a couple of things.

Mr Wise—Senator Trood asked, following up from his earlier questions, which of those three deputy heads of mission people did not have language proficiencies. The three who did not have the required language proficiencies were in Port Moresby, Brussels and Jakarta. Of

those positions, the position in Port Moresby is the only one that was actually language designated; the others were language desirable.

Senator Trood also asked which seven language designated positions were withdrawn for financial reasons and at what level were they. Those positions were: in Berlin, at deputy head of mission level; Brussels, counsellor policy; Ho Chi Minh City, vice-consul, a corporate position; Kuwait City, a third secretary, a policy position; Port Louis, a third secretary with mixed duties; Rome, a third secretary with corporate duties; and Santiago, a third secretary with policy issues. Since that time the third secretary position in Santiago had its language training reallocated to another third secretary position at the post, so there continues to be a language designated third secretary position in Santiago. As we mentioned I think at the last hearing, the third secretary position in Rome has been reinstated as a language designated position in April 2009. That was a corporate position and was reinstated because Rome also provides corporate support for the Holy See as well as for Rome and with the expansion in the Holy See we needed extra admin support.

The correction I would like to make to the record is that my memory was faulty when I said that the ambassador in Stockholm, Mr Brown, advised us in January that he would be leaving and we advertised the position. It was in December that he advised us and the circular advertising his position was dated 16 December. I got my months wrong.

Senator FERGUSON—I hope you have not made the Vatican a language designated position!

Mr Ritchie—No, Latin is not one of our languages.

CHAIR—Thank you, Mr Wise and Mr Ritchie. I can advise those who are interested that the opposition and the government are in screaming agreement on the process for tomorrow. We will resume at 9 am to work through outstanding items on the agenda.

Committee adjourned at 9.35 pm