



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE  
LEGISLATION COMMITTEE

**Estimates**

WEDNESDAY, 1 JUNE 2011

CANBERRA

BY AUTHORITY OF THE SENATE

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**SENATE**

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

**Wednesday, 1 June 2011**

**Senators in attendance:** Senators Abetz, Bishop, Ferguson, Hutchins, Johnston, Kroger, Ludlam, Parry, Ronaldson, Sterle and Trood



## **FOREIGN AFFAIRS AND TRADE PORTFOLIO**

### **In Attendance**

Senator Conroy, Minister for Broadband, Communications and the Digital Economy

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

#### **Portfolio Overview**

Mr Dennis Richardson, Secretary

Mr Chris Moraitis, First Assistant Secretary, Corporate Management Division

Ms Ann Thorpe, Chief Finance Officer

Mr Bryce Hutchesson, 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 policy priorities**

#### **1.1 Foreign affairs and trade operations**

##### **North Asia**

Mr Peter Rowe, First Assistant Secretary, North Asia Division

##### **South-East Asia**

Mr Hugh Borrowman, First Assistant Secretary, South-East Asia Division

##### **Americas**

Mr Bill Tweddell, First Assistant Secretary, Americas and Africa Division

Ms Jane Hardy, Assistant Secretary, United States Branch

Ms Elizabeth Schick, Assistant Secretary, Canada, Latin America Branch

##### **Africa**

Mr Bill Tweddell, First Assistant Secretary, Americas and Africa Division

Ms Karen Lanyon, Assistant Secretary, Africa Branch

##### **Europe**

Mr Jeremy Newman, First Assistant Secretary, Europe Branch

Mr Neil Hawkins, Assistant Secretary, Northern, Southern and Eastern Europe Branch

Mr Peter Doyle, Assistant Secretary, EU and Western Europe Branch

##### **South and West Asia, Middle East**

Mr David Stuart, First Assistant Secretary, South and West Asia and Middle East Division

Mr Jon Merrill, Assistant Secretary, Pakistan and Afghanistan Branch

Ms Lynette Wood, Assistant Secretary, Middle East Branch

Mr Mark Pierce, Assistant Secretary, South and Central Asia Branch

##### **Pacific**

Ms Jennifer Rawson, First Assistant Secretary, Pacific Division

**International organisations and legal issues**

Ms Deborah Stokes, First Assistant Secretary, International Organisations and Legal Division

Mr Richard Rowe, Senior Legal Adviser

Ms Caroline Millar, Head, United Nations Security Council Task Force

Mr James Larsen, Ambassador for People Smuggling Issues

Mr Dominic Trindade, Assistant Secretary, Domestic Legal Branch

Mr Greg French, Assistant Secretary, International Legal Branch

**National security, nuclear disarmament and non-proliferation**

Mr Allan McKinnon, First Assistant Secretary, International Security Division

Mr Bill Paterson, Ambassador for Counter-Terrorism

Dr Robert Floyd, Director General, Australian Safeguards and Non-Proliferation Office

**Services to other agencies**

Mr Patrick Suckling, First Assistant Secretary, Consular, Public Diplomacy and Parliamentary Affairs Division

Mr Jon Philp, Assistant Secretary, Consular Operations Branch

Mr Steve Scott, Assistant Secretary, Consular Policy Branch

**Services to diplomatic/consular representatives**

Ms Anne Plunkett, Assistant Secretary, Protocol Branch

**1.2 Payments to international organisations—administered****1.3 Public information services and public diplomacy**

Mr Patrick Suckling, First Assistant Secretary, Consular, Public Diplomacy and Parliamentary Affairs Division

Mr Jon Philp, Assistant Secretary, Consular Operations Branch

Mr Steve Scott, Assistant Secretary, Consular Policy Branch

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

**2.1 Consular services**

Mr Patrick Suckling, First Assistant Secretary, Consular, Public Diplomacy and Parliamentary Affairs Division

Mr Jon Philp, Assistant Secretary, Consular Operations Branch

Mr Steve Scott, Assistant Secretary, Consular Policy Branch

**2.2 Passport services**

Ms Penny Williams, 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.**

**3.1 Foreign affairs and trade operations**

Mr Tuan Dao, Chief Information Officer, Information Management and Technology Division

Mr Stuart Page, Assistant Secretary, Diplomatic Security Branch

Mr David Nethery, Head, ICT Review Taskforce

Mr Ken Pascoe, Assistant Secretary, ICT Planning and Development Branch

Mr John Morrison, Assistant Secretary, ICT Services Branch

**3.2 Overseas property**

Mr Peter Davin, Executive Director, Overseas Property Office and Services

**Trade programs**

Mr Bruce Gosper, Deputy Secretary

**Bilateral, regional and multilateral trade negotiations**

Ms Jan Adams, First Assistant Secretary, Free Trade Agreement Division

Mr Hamish McCormick, First Assistant Secretary, Office of Trade Negotiations

Mr James Baxter, Assistant Secretary, WTO Trade Law Branch

Mr George Mina, Assistant Secretary, Services and Intellectual Property Branch

**Trade development/policy coordination and Asia-Pacific Economic Cooperation and Export Finance and Insurance Corporation**

Mr Brendan Berne, Acting First Assistant Secretary, Trade and Economic Policy Division

Ms Nicola Gordon-Smith, Assistant Secretary, Trade Competitiveness and Advocacy Branch

Ms Rhonda Piggott, Assistant Secretary, G20 and International Economy Branch

Mr Angus Armour, Chief Executive Officer and Managing Director, EFIC

Mr Mathew Hocken, Associate Director, Government and Industry Relations, EFIC

Ms Amelia Joyner, Government and Industry Relations Officer, EFIC

Mr Jan Parsons, Director, Environmental and Technical Review, EFIC

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

Mr Peter Grey, Chief Executive Officer

Mr Peter Yuile, Deputy Chief Executive Officer

Ms Marcia Kimball, Director Human Resources

Mr David Crook, Corporate Secretary

Mr Ian Chesterfield, General Manager, Business Policy and Programmes

Mr Michael Vickers, National Manager, EMDG Policy and Scheme Development

Mr Quentin Stevenson-Perks, National Education Manager

Mr Brendan Jacomb, Group Manager, Business Effectiveness

Mr Rob O'Meara, Acting Chief Finance Officer

**Australian Centre for International Agricultural Research**

**Outcome 1—To achieve more productive and sustainable agricultural systems for the benefit of developing countries and Australia through international agricultural research and training partnerships**

**1 International agricultural research for development for more productive and sustainable agriculture**

Dr Nick Austin, Chief Executive Officer

Dr Simon Hearn, Principal Adviser, Strategy and Policy

**Australian Agency for International Development**

**Outcome 1—To assist developing countries to reduce poverty and achieve sustainable development, in line with Australia's national interest**

**1.1 Official development assistance—PNG and Pacific**

**1.2 Official development assistance—East Asia**

**1.3 Official development assistance—Africa, South and Central Asia, Middle East and other**

**1.4 Official development assistance—Emergency, humanitarian and refugee program**

**1.5 Official development assistance—Multilateral replenishments**

**1.6 Official development assistance—UN, Commonwealth and other international organisations**

**1.7 Official development assistance—NGO, volunteer and community programs**

**Departmental support**

**Outcome 2—Australia's national interest advanced by implementing a partnership between Australia and Indonesia for reconstruction and development.**

**2.1 East Asia**

**Departmental support**

Mr Peter Baxter, Director General

Mr Richard Moore, First Assistant Director General, Asia Division

Mr Laurie Dunn, First Assistant Director General, Program Effectiveness and Performance Division

Mr Murray Proctor, First Assistant Director General, Sectoral Policy Division

Ms Catherine Walker, First Assistant Director General, Africa, West Asia, Middle East and Humanitarian Division



Mr Robin Davies, First Assistant Director General, International Programs and Partnerships Division

Mr Blair Exell, First Assistant Director General, Corporate Enabling Division

Mr James Gilling, First Assistant Director General, Pacific Division

Mr Paul Wood, Chief Financial Officer

Mr John Davidson, Assistant Director General, Office of Development Effectiveness

Ms Lisa Rauter, Assistant Director General, Africa and Middle East Branch

Mr Peter Versegi, Assistant Director General, Budget Branch

Ms Octavia Borthwick, Assistant Director General, Papua New Guinea and Solomon Islands Branch

**Committee met at 9:03**

**CHAIR (Senator Mark Bishop):** Good morning, I declare open this meeting of the Senate Foreign Affairs, Defence and Trade Legislation Committee. I welcome Senator Conroy, the Minister for Broadband, Communications and the Digital Economy, representing the Minister for Foreign Affairs, Mr Dennis Richardson, Secretary, and, of course, officers of the Department of Foreign Affairs and Trade.

The Senate has referred to the committee the particulars of proposed budget expenditure for 2011-12 and related documents for the Foreign Affairs and Trade portfolio. The committee must report to the Senate on 21 June 2011. Friday 29 July 2011 has been set as the date by which answers to questions on notice are to be returned. Senators should provide their written questions on notice to the secretariat by close of business Tuesday 14 June 2011. 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 hearing. 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 raised, and which I now incorporate into *Hansard*.

*The extract read as follows—*

**Public interest immunity claims**

That the Senate—

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

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

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

(1) If:

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

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to

the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

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

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

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

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

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

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

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

(Extract, Senate Standing Orders, pp 124-125)

Today the committee will examine budget estimates for the Department of Foreign Affairs and Trade non-trade programs. Minister, do you or an officer wish to make an opening statement?

**Senator Conroy:** No, thank you.

**CHAIR:** Mr Richardson? No. Are there any questions for portfolio overview?

**Senator TROOD:** I begin by acknowledging that the department has significantly improved its performance in providing answers to the questions on notice from the last time. I think most of them were pretty well on time, save for three, which, sadly, have only just arrived on my desk and have come to my attention this morning. They were questions, of course, relating to the minister's travel. Mr Richardson, I note that on the last occasion we were here you agreed to submit those questions to the Department of Finance, which I think is the appropriate course in relation to these matters. Could I just ask you when you did that?

**Mr Richardson:** I did that; I do not have the exact date, but I would have done that very shortly after we received the questions.

**Senator TROOD:** So how do we explain the fact that these answers have only just arrived? They have just come to my attention, and I think that of everybody else on the committee.

**Mr Richardson:** That is right. They were only passed to the committee this morning, and I do apologise for that. The answers to the questions here, first of all, involve more than one department. Secondly, they involve quite a number of areas of the department and there were also three different questions which appeared to be related. It took a little while to work all that through, and then, of course, given that it concerns the minister's travel it was also necessary to consult with the minister's office.

**Senator TROOD:** If you cannot tell me this now would you take on notice, please: when were the questions passed to the Department of Finance and Deregulation for attention, when the advice, or the information or the questions were answered from the department and when they were passed on to the minister's office?

**Mr Richardson:** Yes, I can certainly take that on notice.

**Senator TROOD:** As I say, whilst the department has done well in providing answers—and from a pretty low base I have to say—it is not really acceptable to receive only just now the answers to these important questions. We have not even had time to look at them.

I want to talk about the department's budget, obviously. Can I just begin by asking about the corrigenda into the portfolio statement? There are two pages of corrigenda to the budget. In the six years I have been sitting here there has never been an amendment to the portfolio statement from foreign affairs. I have made some extensive inquiries around the building and no-one can recall when there were changes to the department's portfolio statement, so perhaps you had better tell us how this came about.

**Mr Richardson:** Yes; I will refer that to Ms Thorpe.

**Ms Thorpe:** Yes, I apologise, Senator. We realised once we had gone to the printer that we had made an error in the departmental appropriations. We double counted a certain amount and we ended up having the departmental appropriation line in table 2.1 by mistake. As you understand, what we need to do is split the appropriation across three outcomes. I accept the error. We did not have the right quality control, we ended up having an incorrect figure in the departmental expenses in the departmental appropriation and we felt that was significant material so we needed to put out a corrigendum. There has not been a corrigendum in the last six years, but I understand that seven years ago there was a corrigendum that we had to do. This is the first time under my watch, but I do apologise and I take responsibility.

**Senator TROOD:** It is not just a matter, is it, of a missing apostrophe, or an error in a comma—

**Ms Thorpe:** No.

**Senator TROOD:** or that you wanted to change the tense and improve the language et cetera? We are talking about millions of dollars here.

**Ms Thorpe:** It was one figure, and we lodged it the same day. We found out just as we lodged the book, and so we identified it and lodged it virtually concurrently. It is not as though we had tabled it and everything else, and that people had read it incorrectly and then got the corrigendum. But I do apologise.

**Senator TROOD:** I am glad you acknowledge the mistake, and thank you for apologising. I am just anxious to know whether there was a process failure here. What is the usual procedure by which the portfolio papers are approved? Do they go from your hands to the secretary's and to corporate administration in the department? How do you manage that?

**Mr Richardson:** Ultimately, anything that comes out of the department is my public responsibility. This was a mistake within the department. It was one of those things that, unfortunately, happens. As Ms Thorpe said, we picked it up very quickly and we did what we should have done, and that is that we brought attention to the error immediately.

**Senator TROOD:** So this occurred, Ms Thorpe, after what you had thought you had done was to finalise the portfolio material and it had been sent to whomever you send it? And then you subsequently found that there was an error?

**Ms Thorpe:** Yes. In a sense, just as we had sent it on to be tabled we realised there was an error. We have quite a rigorous QA process, but for a number of reasons time became a bit of a problem, and one of the QA steps was not undertaken. It should not have happened.

**Senator TROOD:** No, I accept your apology.

**Ms Thorpe:** That is why we have not had errors in the past, because we do have actually a very rigorous QA process.

**Senator TROOD:** And you are a diligent officer. I know that; I have never been in any doubt about that. But one cannot help draw a conclusion that, perhaps, this is a reflection of the resources constraint under which the department is operating.

**Mr Richardson:** No.

**Senator TROOD:** You cannot actually get your accounts right?

**Ms Thorpe:** No.

**Mr Richardson:** Mistakes will happen from time to time. They happen in all organisations. One would have hoped that this did not happen, but it did. It was not a result of a systemic failure. It was the result of a human error, and we can do no more than apologise for that. And I do not believe that it, in any way, relates to resource constraints.

**Senator TROOD:** We will see. Do these papers need to go to the minister's office?

**Ms Thorpe:** Yes. The budget statement gets signed off by the minister's office.

**Mr Richardson:** But could I add, it is not the job of the minister's office to go through the detail of the account figures. That is our job, and I would never expect the minister's office to have to check figures in a portfolio budget statement.

**Senator TROOD:** It would be frightening responsibility, if every minister had to go through the portfolio statements of their department.

**Mr Richardson:** It would be.

**Senator TROOD:** I would be surprised if we had any ministers of the Commonwealth if that were actually the case. Did Minister Rudd sign off on the first version or the second version?

**Mr Richardson:** No, I sign off the versions. It is my accountability, it is not the minister's accountability.

**Senator TROOD:** But once you have signed off on it, do you then send them to the minister's office?

**Mr Richardson:** Yes, they go to the minister's office.

**Senator TROOD:** Did the minister see the first version?

**Mr Richardson:** It would surprise me if the minister went through the detail of the budget figures. He would be very aware of the important figures, but he would take as a given that the detail of this kind would be accurate. And, indeed, it is normal practice for ministers to ask, 'Are these figures correct?' They seek assurance that they are correct, and he did that. So he was given wrong advice by us.

**Senator TROOD:** No, I accept that. The question I am asking is: did you send the first version of the accounts to Mr Rudd's office, or did he not see the first version because you had corrected the accounts before you sent anything to his office?

**Ms Thorpe:** He saw the first version, and then as soon as we found the error he became aware of the second version.

**Senator TROOD:** I see. So how much time elapsed between the sending of the first version and the sending of the second version?

**Ms Thorpe:** He gets the first version before it goes to the printer, so it would have been around that Saturday. It went to the printer on the Sunday. It got tabled, I think, Tuesday; or went to the lock-up and everything, and we realised then.

**Mr Richardson:** But it would be wrong to say he received it on Saturday. His office would have received it on the Saturday.

**Ms Thorpe:** Yes, that is correct.

**Mr Richardson:** I would not have expected his office to bring it to his personal attention on the Saturday. It is possible that the minister did not personally see it until after it was corrected.

**Ms Thorpe:** Yes, that is correct.

**Senator TROOD:** I see. But his office cannot sign off on it, can it?

**Mr Richardson:** No.

**Senator TROOD:** It is a matter of form, perhaps, even legality, that the minister himself has to do it?

**Ms Thorpe:** The minister does sign the statement, but he signs the high level statement. As Mr Richardson said, obviously, it is his office; he does not go through every last detail—particularly this one, because it is not the key table. This is the split of the key table across the outcomes. It would be very hard for them to find out actually. We became aware of it because we understand the numbers. It would have been very difficult for the minister to understand there was actually an error.

**Senator TROOD:** No, I accept that. I would be surprised if he did understand that. Almost any minister would accept the information provided by the department. That is not the issue here. What I am trying to determine is whether or not the process by which this error was rectified was undertaken expeditiously, and whether or not, the error having been found,

it could not have been rectified earlier so that this rather embarrassing situation of having to provide corrigenda did not have to occur.

**Mr Richardson:** I think Ms Thorpe has answered very clearly that once the mistake was made it was picked up and rectified as soon as possible. The mistake has been made; the embarrassment is there. We wear it. I cannot change history. It is done.

**Senator TROOD:** Was the minister in town that weekend?

**Mr Richardson:** I would need to check.

**Senator TROOD:** Perhaps you would take that on notice and find out. And also, if he was not, when he was back in Canberra, or back in Australia?

**Senator Conroy:** Why would that be relevant?

**Senator TROOD:** It is my question, minister. I would like to know the answer to that question. I acknowledge these errors—and thank you, Ms Thorpe, for doing that—but my concern is that the document is still in error. You know that. Correct me if I am wrong about this, but just look at page 17 of the portfolio statements, Ms Thorpe. There is a table there: 1.1, and it says, 'Total net resourcing for DFAT'.

**Ms Thorpe:** Yes, that is right.

**Senator TROOD:** And there are some figures there which are in brackets. \$78 million, are they? Yes.

**Ms Thorpe:** That is correct.

**Senator TROOD:** Et cetera. That is wrong, isn't it?

**Ms Thorpe:** No.

**Senator TROOD:** Isn't it?

**Ms Thorpe:** I don't understand why that would be wrong, Senator.

**Senator TROOD:** Those figures there are negatives. They are a total of the figures below the line, in other words, less appropriations.

**Ms Thorpe:** It is more complicated than that, Senator. It is actually quite a complicated figure to get to that very bottom line.

**Senator TROOD:** That is true. In fact, I feel completely ill-equipped to try and understand these accounts. One would have thought that the Commonwealth—not you—might find a more straightforward way of presenting its accounts.

**Senator Conroy:** Your government introduced this particular method of our preparation.

**Senator TROOD:** That is an argument for another day. What I am concerned about is whether or not this figure is, in fact, correct. That \$78 million is the less appropriations and that is a total, obviously—the \$72 million plus the \$6 million is \$78 million.

**Ms Thorpe:** Yes.

**Senator TROOD:** And it says, 'Total net resourcing for DFAT'.

**Ms Thorpe:** I would need to take it on notice, because I would need to work through it very a detailed way for you how that figures comes about.

**Senator TROOD:** That should be a figure in relation to that whole table, should it not?

**Ms Thorpe:** The figures relating to our total resourcing are actually the figures above, and that figure there is relating to the less appropriations drawn from the annual and special appropriations.

**Senator TROOD:** It says, 'Total net resourcing for DFAT', which is a total figure for DFAT. Yes?

**Ms Thorpe:** Yes.

**Senator TROOD:** That is what that line purports to provide information about?

**Ms Thorpe:** I really would like to take it on notice and come back to you with a detailed thing of how that figure is derived, because it is extremely complicated to explain here.

**Senator TROOD:** Well, let me help you out.

**Ms Thorpe:** I should add that the Department of Finance actually clears this table.

**Senator TROOD:** They are wrong too, on my account! I must say that it is very surprising for a former lawyer to find this out, if, indeed, I am correct. I may not be correct—I acknowledge that—but on the face of it this looks to be wrong.

**Ms Thorpe:** I can understand what you are saying, and I really would like to take it on notice to work through it.

**Senator TROOD:** I will point out the issue from last year's account. We might just leave that issue to one side but my understanding is that figure should be a figure which is a composite of all those figures in that table, and it is not. Do you see what I am saying?

**Ms Thorpe:** I know what you are saying.

**Senator TROOD:** It says, 'Total net resourcing'. In fact, that is a total of the appropriations below the line, below the total resourcing A, B, C and D.

**Ms Thorpe:** I understand your point, but I do need to go and have it checked and also, as I said, the Department of Finance does clear this. I need to go and work through the detail and come back to you.

**Senator TROOD:** I would be grateful if you would do that and we will come back to it, perhaps, after morning tea, but that seems to be an error.

Let us go to the whole matter of the department's appropriations. The appropriation for the portfolio is about \$1.1 billion. Is that right?

**Ms Thorpe:** We include both the departmental—

**Senator TROOD:** Sorry, for outcomes 1, 2 and 3—the appropriations—I am looking at the Appropriation Bill (No. 1), page 74: \$1.1 billion.

**Ms Thorpe:** Page 74 is outcome 2.

**Senator TROOD:** I am sorry. No, I am looking at the appropriation bill material.

**Ms Thorpe:** The appropriation bill is on page 16.

**Senator TROOD:** Sorry, not the bill, but the appropriation statement. There is a table there in the Appropriation Bill (No. 1) statement, I think.

**Ms Thorpe:** You are talking about the Department of Finance, I am sorry.

**Senator TROOD:** Yes, the blue book—I think it is the blue book, isn't it?

**Ms Thorpe:** Yes, the bills—that is right.

**Senator TROOD:** The figures should be the same, should they not?

**Ms Thorpe:** They should be the same, absolutely—yes.

**Senator TROOD:** So where can you point me to that? I picked it up from somewhere else.

**Ms Thorpe:** The table that we have in our yellow book is actually on page 16.

**Senator TROOD:** Okay, let us look at page 16.

**Ms Thorpe:** And if you look up near the top under 'Departmental appropriation' it has the figure of the prior year that is carried over. It has the figure \$911 million, which is related to the departmental appropriation. And then it has \$51 million for section 31 revenue, which is also regarded as an appropriation.

**Senator TROOD:** Yes.

**Ms Thorpe:** But the figure I think you are citing has got a combination of 'administered', which is under the next area down: \$274 million. So the departmental appropriation is made up of the \$911 million and the \$274 million.

**Senator TROOD:** So it is actually worse than I thought it was. The departmental appropriation is for the general operations of the department, and it is \$911 million. Is that correct?

**Ms Thorpe:** That is correct.

**Senator TROOD:** And there are administered or agency receipts, which are something that you get for the work you do?

**Ms Thorpe:** Section 31 receipts.

**Senator TROOD:** Yes.

**Ms Thorpe:** That is revenue we earn; cost recovery and—

**Senator TROOD:** Yes, which is basically not for the running of the department?

**Ms Thorpe:** It is.

**Senator TROOD:** Sorry, I beg your pardon: it is, but it is not for the day-to-day activities of all outcomes and things of that kind—the operations. So that is \$962 million. And there is a carryover from last year: that is unspent funds—is that correct?

**Ms Thorpe:** That is correct.

**Senator TROOD:** Now, which is that figure?

**Ms Thorpe:** That is the first figure, the \$382 million. And so it is \$382 million that is available for various reasons.

**Senator TROOD:** So \$382 million is unspent?

**Ms Thorpe:** No, that is cash. It relates to our liabilities where we have provisions, like accounts payable. Do not forget this is cash, so the \$382 million would be needed for paying our bills that were due at 30 June and that were not paid until July. It also relates to the provisions which also we need to carry for our employees because—do not forget—we have accrual accounting, and we need to put money aside to cover all those provisions. There is a timing difference sometimes; it also relates to timing differences where there is some slippage



for whatever reason—you may have capital in there where some of our relocations have taken a little bit longer to happen than was expected.

**Senator TROOD:** I see.

**Ms Thorpe:** And so it is actually not a reflection of a profit, it is just a reflection of a number of things because we hold an accrual accounting.

**Senator TROOD:** That is helpful, thank you. What do you say to be the position of the department in relation to the appropriations you have received for its normal expenses? Do you say that you have received more or less than last year?

**Mr Richardson:** I think we have a nominal increase of about seven million in terms of our operating budget, bearing in mind that the Australian dollar this year buys a lot more than the Australian dollar last year, so you can see in some areas a drop in the Australian dollar amount but that is still buying us the same, and more, than what it would have done last year.

**Senator TROOD:** Right. I know you used that figure last Friday when you gave evidence to the joint committee, Mr Secretary, and since that time I have tried to understand how you have arrived at that \$7 million, but I am afraid I struggle and I cannot do so. It looks to me from the appropriation statement from the Department of Finance, as I say, that your appropriations this year are—according to my calculations—about \$54 million less for each of the three outcomes than they were for the financial year 2010-11.

**Ms Thorpe:** Perhaps, Senator, I can talk you through it. Firstly, the \$7 million—

**Senator TROOD:** Is that correct?

**Ms Thorpe:** In number terms—

**Senator TROOD:** Ms Thorpe, perhaps if you could—

**Senator Conroy:** If you could let the officer answer the question.

**Senator TROOD:** Can you just tell me am I correct in relation to that figure?

**Mr Richardson:** We are not \$54 million short this year. For a start, the movement in the value of the Australian dollar explains a lot of that, so you cannot simply look at nominal dollar terms and draw a conclusion from that.

**Senator Conroy:** You could if you were financially literate.

**Senator TROOD:** Minister, your contributions are considerably unhelpful.

**Senator FERGUSON:** You should remember when you were on this side of the table, Senator Conroy.

**Ms Thorpe:** Senator, in terms of the movement between last year and this year's 2011-12 appropriation—

**Senator Conroy:** Hoping he will finally lay a glove after six years, but he is going to miss.

**Ms Thorpe:** you need to keep in mind it is the forex, the foreign exchange, adjustment that Mr Richardson referred to. Also, in last year's appropriation we used to be funded for an arrangement which we paid \$ 29 million nearly \$30 million to the overseas property estate. Since the review of that they are no longer going to receive that funding so we had the \$30 million—it is a money that was just washing through. We are now operating it through a different mechanism.

**Senator TROOD:** I am a bit uneasy with phrases like 'money washing through,' Ms Thorpe.

**Ms Thorpe:** No, it was a methodology to recognise the intrinsic value of the estate. Now the overseas property will be funded through market rent so all agencies—all up I think they used to receive about \$50 million through different agencies, ours was \$30 million—are no longer going to be paying for rent that way, so the \$30 million has been taken off us. Also in last year's appropriation we had about \$23 million to \$24 million retrospective funding for passports, which actually related to the year 2009-10, that we only received in 2010-11, but we accrued it in 2009-10, so that gives you the \$54 million already. And in terms of the \$7 million, if you look at the table on page 18 you will see that the net figure we received in terms of the various measures for the 2011-12 budget added up to \$17.6 million in operating, and if you take off that, the \$10.6 million for our share in 2011-12 of the \$44.5 million portfolio saving, that is how we get the \$7 million. Mr Richardson was referring to a net increase from the measures from 2011-12 that in effect there was a net increase to our budget.

**Senator TROOD:** I acknowledge there have been shifts and changes and I take on board the secretary's observation about currency movements, but that is swings and roundabouts and departments engaged overseas can benefit or not in relation to that kind of activity on a regular basis.

**Ms Thorpe:** Senator, we do not benefit. We are on a no win, no loss.

**Senator TROOD:** I understand that, Ms Thorpe, but the point here is that in dollar terms expressed in Australian dollars, leaving aside currency, then there is \$54 million less in Australian dollar appropriations to the department compared to last year.

**Ms Thorpe:** In terms of the dollars we have available to do business, it is basically staying the same.

**Senator TROOD:** Yes.

**Ms Thorpe:** There is actually a net increase.

**Senator TROOD:** I understand that and I understand you are taking advantage of currency fluctuations, which probably work in your favour in the current climate. But what the government has essentially done is say: 'The department can take advantage of these currency fluctuations. There are some changes in the way in which various accounts are dealt with and what we are going to do is provide you with this money. We are taking more in relation to your efficiency dividend.' The consequence of all that is that you are down \$54 million at least in the appropriations for each of the outcomes.

**Ms Thorpe:** No. The way the foreign exchange no win, no loss works, we get funded for what is called the budget exchange rate for that year so, if we are out of pocket, we will receive additional money and, if the exchange rate has become stronger, we give money back to the department of finance. As Mr Richardson was explaining, the purchasing power of our appropriation has essentially stayed the same, so that is why it is very hard to compare DFAT dollars going across years because there are a number of things that impact it which, in effect, do not change the purchasing power, our ability to do business. It is nominal type changes which relate to foreign exchange which relate to, you know, various prior year adjustments; all sorts of things like that which are really not relevant to our ability to do business.

**Senator TROOD:** Right. I think what this comes down to is that the summary is that there has not been a significant increase in the department's funding; is that a fair statement?

**Mr Richardson:** As the CEO of DFAT I can assure you that I am not managing a department over the next 12 months with a considered shortfall of \$54 million. If I was managing a department which had \$54 million less this year than last year in real operating terms I would be needing to shed a significant number of staff, and I am not doing that. So these are technicalities of the kind that Ms Thorpe has explained, but I can assure you the department is not managing a budget which in substantive terms is \$54 million less than last year.

**Senator FERGUSON:** I just wanted to follow up to try to get this straight. On page 23 you talk about program expenses and your first line for annual departmental expenses is a revised budget of \$551 million to the end of this financial year. What was your original budget?

**Ms Thorpe:** Sorry, the five hundred and—

**Senator FERGUSON:** See the \$551 million for the annual departmental expenses, foreign affairs and trade operations in the first column.

**Ms Thorpe:** On page 23?

**Senator FERGUSON:** Yes, 23.

**Ms Thorpe:** You have got the older version but on the corrigendum the figure is \$499 million. That relates actually just to outcome 1 and departmental funding. It is not—

**Senator FERGUSON:** What was the original budget? If the revised budget was 499 million, what was the original budget?

**Ms Thorpe:** These are the titles that finance uses.

**Senator FERGUSON:** Yes.

**Ms Thorpe:** It probably relates to the funding we received—in fact, it relates to expenses and I do not have with me the PAES from the additional estimates, and I am not sure what the change has been. But that is relating to expenses so it has in there accruals and all sorts of things like that.

**Senator FERGUSON:** Can I ask a simpler question: is the revised budget greater than the forecast budget at the time of the budget last year?

**Ms Thorpe:** I have not got the 2010/11 PAES with me so I cannot answer that.

**Senator FERGUSON:** All right. Well, if there is going to be \$50 million less spent—

**Ms Thorpe:** This is just relating to outcome 1 that you are referring to. It is not our total budget.

**Senator FERGUSON:** 1.1. It is in that area.

**Ms Thorpe:** Yes.

**Senator FERGUSON:** Now, if it is going to be \$50 million a year less budget this year compared to what was spent last year, where are the cuts going to be made in your operation?

**Ms Thorpe:** That is what I am explaining. There are no real cuts. These are nominal. It is relating to foreign exchange—you will find that \$30 million I was referring to in terms of the

property, our paying of rent, where we no longer will be paying that on to the Overseas Property Office. That has come out of that figure. So it is not changing in any way the way we do business. In there also there are a number of other adjustments that we do each year for things that have come to an end or funding. It is all very technical, but it is not in any way changing our purchasing power and our ability to do business. They are nominal figures. They are not comparable. They are not apples to apples, so that you could just simply do a comparison from one year to the next. So there is no real cut to our budget overall.

**Senator FERGUSON:** So the figures do not mean much at all, do they?

**Ms Thorpe:** Well, that is right.

**Mr Richardson:** They do means things, Senator, but there is a detailed explanation for each one. For instance, in the context of last year's budget the Department of Finance and Deregulation and the Department of Foreign Affairs and Trade were tasked with doing a review of the property function and the way it was managed. As a result of that review, some changes were made to the way money is given and accounted for, et cetera. And that change accounts for, what, about \$29 million.

**Ms Thorpe:** \$30 million.

**Mr Richardson:** It accounts for almost \$30 million of the \$54 million you are talking about. But it is a change in the way the accounts are managed. It is not taking money from the department in any real sense. And that \$54 million—then you add in the foreign exchange movement and a couple of other matters—I think you mentioned passports Ann—

**Ms Thorpe:** Yes, the passports were within the outcome 1, but, yes, an overall 54.

**Mr Richardson:** Yes. That \$54 million is not \$54 million of operating dollars which we have less of this year. They are changes in the technicalities of the accounts.

**Senator FERGUSON:** I am glad I was not born an accountant, Mr Richardson.

**Mr Richardson:** Join the club.

**Senator FERGUSON:** Ms Thorpe, you said you did not have the figures with you. I am very interested to know what your budget was for last year, and now we have got the revised number, the \$499 million which I thought was going to be \$551 million until I saw the corrigendum—but I am interested to know whether your revised budget is higher than the budget that was forecast last year, and if it is higher, what those extra costs were.

**Ms Thorpe:** As I said, I suspect it is probably around about the same, but I would need to check.

**Senator FERGUSON:** All right. Would you be able to find out?

**Ms Thorpe:** Yes, I can find that out.

**Senator FERGUSON:** All right. Thanks. Sorry, Senator Trood.

**Senator TROOD:** That is all right. I just circulated, Ms Thorpe, just in relation to that earlier matter—this is the source of my understanding of the difficulty we are facing here. This is the equivalent table of 1.1 from the budget statement of last year, and you will see that there is a figure there, same table. The total net resourcing for DFAT—and there are some large figures which represent the totals for—

**Ms Thorpe:** I can see what you are talking about, Senator.

**Senator TROOD:** the department.

**Ms Thorpe:** Yes. I can understand what you are saying. It looks as though we may have made an error. As I said, we—

**Senator TROOD:** So I am happy for you to investigate this more fully when you have a moment. But that is the point I am making. The net figures—

**Ms Thorpe:** I believe you are correct. I am not sure how this happened and I would have to go and check. We tend to focus obviously on the appropriation and that sort of thing, but I am surprised because finance does sign off on these tables. But I will—

**Senator TROOD:** Well, someone has made a big mistake.

**Ms Thorpe:** Well, I think what has happened is that instead of taking it from the line which has got A, B, C, D they have just taken those two items for the adjustments, the 72 and the 6, and not taken it off the bottom line.

**Senator TROOD:** No, no. I can see what has happened.

**Ms Thorpe:** Yes. I can understand. And it should not have happened.

**Senator TROOD:** But essentially the published accounts of the Commonwealth are wrong.

**Ms Thorpe:** The published accounts of the Commonwealth will not be wrong. This particular table—

**Senator TROOD:** Well, the published account of the information in this statement is incorrect.

**Ms Thorpe:** This particular table is incorrect, I acknowledge that, Senator.

**Senator TROOD:** I am happy for you to take that on notice, and if you want to say anything further about it afterwards then I am happy to hear from you on that subject. But let me move forward. There were to be \$45.5 million from MYEFO savings taken from the portfolio.

**Mr Richardson:** That is right.

**Senator TROOD:** And I have asked you about that on two previous sessions, I think, of estimates.

**Mr Richardson:** That is right.

**Senator TROOD:** And on two previous occasions you were still deliberating on where those savings would be made. Are you now in a position to tell us how you are accommodating that need?

**Mr Richardson:** Well, of the \$45.5 million in savings across the portfolio over three years, about \$32 million relates to the department. That is our share which will be this year be about \$10½ to \$10.8 million.

**Senator TROOD:** That is for this financial year.

**Mr Richardson:** That is right. We have received some other moneys in the budget, and when you look at the savings measures and when you look at other matters in the budget—people smuggling, we have got some additional moneys for consular services, moneys for the Australian embassy in Baghdad, et cetera—we end up in much the same spot as last year, so I

do not have to think in terms of savings measures. As I have mentioned before, we will be looking at vacancies as they fall in Canberra and we will be addressing in each case whether vacancies as they fall in Canberra need to be filled. We believe we can find the moneys that we need to this year through measures such as that. We will not have a general round of voluntary redundancies, nor do we need to think in terms of forced redundancies.

**Senator TROOD:** So you are comfortable that you can accommodate this \$45.5 million without having to obviously shed staff here in Canberra or overseas; is that right?

**Mr Richardson:** It is the \$32 million and not the \$45.5 million. It is \$32 million over three years for the department. Certainly, we will not be cutting into our global network; that is, staff overseas. We will not cut into training and development. There may be a need for some savings in not replacing staff as they leave in Canberra and we will measure that out on a case-by-case basis. Of course, we need to consider it in overall terms. We will not simply be considering this saving in isolation. We need to put that with whatever emerges from the enterprise agreement, et cetera, and the need to pay for that.

**Senator TROOD:** Do you have positions coming up that you might not fill as a result of this?

**Mr Richardson:** That depends upon the separation rate, and we do not have any fixed positions in mind at the moment. We will simply step that out as positions fall vacant.

**Senator TROOD:** I see. Well, you cannot really take much joy from the money you are getting in relation to Baghdad because that is a fixed cost for a contract, isn't it?

**Mr Richardson:** It is.

**Senator TROOD:** So that is coming and going, if you are going to honour the contract of course, and it is actually—

**Mr Richardson:** Yes. That is absolutely right.

**Senator TROOD:** to provide protection for the Australian embassy there.

**Mr Richardson:** That is right.

**Senator TROOD:** So there is nothing you can do with that money—

**Mr Richardson:** No, that is right.

**Senator TROOD:** In terms of accommodating your situation and that is a significant amount of the funds of the \$32 million. It is a third of them.

**Mr Richardson:** Yes. But my point remains the same, and that is to the extent we will be able to find the savings we will be able to manage this year without either forced redundancies or a general round of voluntary redundancies.

**Senator TROOD:** But it is tough, isn't it?

**Mr Richardson:** Yes.

**Senator TROOD:** It is not easy.

**Mr Richardson:** It has been tough for some years.

**Senator TROOD:** What impact is it going to have on the overseas disposition of DFAT?

**Mr Richardson:** We will not be reducing any of our staff numbers overseas. We will not be taking staff away from overseas. We will have a small net increase this year in the number of staff we have overseas.

**Senator TROOD:** Are we speaking about A-based staff here or are we talking about all staff overseas?

**Mr Richardson:** We will have a small net increase in the number of A-based staff overseas.

**Senator TROOD:** Well, is that related to the appropriation or the measure—'appropriation' is an incorrect word here obviously—for the security council bid?

**Mr Richardson:** No. We will continue to fund the campaign and there are one or two positions overseas relating to that but the small net increase will be a result of a review we are currently going through to see whether we might not have a small increase in the number of third secretary positions overseas, and we will also have a look at some of the pressures in a couple of embassies to see whether we might not relieve that pressure by putting in place one or two other people.

**Senator TROOD:** One or two other A-based people?

**Mr Richardson:** One or two A-based people.

**Senator TROOD:** And which missions are you thinking about in relation to these?

**Mr Richardson:** We are still thinking it through and I would prefer to advise that once we have completed that bit of work.

**Senator TROOD:** How many positions are we contemplating here, Mr Secretary?

**Mr Richardson:** I envisage a net increase in the number of A-based overseas this year of between four and 10.

**Senator TROOD:** Four and 10. I see. But they are going to be more junior positions?

**Mr Richardson:** Some of them may be middle rank positions. They will not all be junior positions.

**Senator TROOD:** I see. And in relation to the efficiency dividend that you have—the increased efficiency dividend which has imposed yet another burden on the department, have you made any savings in response to that specifically or not?

**Mr Richardson:** Not at present, no.

**Senator TROOD:** So you are dealing with the increased efficiency dividend and the 32 million as a—or the 10 million for this year anyway as a whole; is that right?

**Mr Richardson:** That is right.

**Senator TROOD:** I see. So you are having to accommodate—

**Ms Thorpe:** It is about four million.

**Senator TROOD:** So you have actually got to find savings of \$14 million.

**Mr Richardson:** It will be a little bit more than that because we are in the process of negotiating an enterprise agreement, and consistent with what has been quite a long-standing government requirement, we will have to fund the cost of any enterprise agreement out of our

own budget. So our total savings measures will be the \$10 million or \$10 ½ million plus the increase in the efficiency dividend plus whatever is the cost of the enterprise agreement.

**Senator TROOD:** And when will the new agreement be due?

**Mr Richardson:** I cannot say that at the moment. It is technically scheduled to commence on 1 July but that will depend upon the progress in the negotiations and the approvals from different parts of government.

**Senator TROOD:** I see. Are those negotiations complete as yet?

**Mr Richardson:** Well, no. I do not consider they are complete. We are still in the process of finalising the outcome of the negotiations.

**Senator TROOD:** I thought Mr Moraitis was nodding in agreement.

**Mr Richardson:** He was nodding his head in a technical sense, but not—

**Senator TROOD:** It was a technical nod, was it?

**Mr Richardson:** He did not have in mind—

**Senator TROOD:** This is the subtlety of diplomacy which I have yet to pick up on.

**Mr Richardson:** That is right.

**Senator TROOD:** I think the point is here that you more or less know the ambit of the funds that you have to find under the new enterprise agreement, so my question is what sort of provision have you made in relation to meeting the costs of that enterprise agreement?

**Mr Richardson:** Sorry?

**Senator TROOD:** You have said there is the four million.

**Mr Richardson:** Yes.

**Senator TROOD:** There is the 10.

**Mr Richardson:** Yes.

**Senator TROOD:** And there is now an X factor, but what is the money that you think you are going to have to find this year to meet the costs of the enterprise agreement?

**Mr Richardson:** I do not know at this point. The major cost will be a salary increase and that will depend upon where ultimately everything comes out. Of course there is a vote of staff involved. Not only do we have to get approval in certain parts of government but then we have to put the enterprise agreement to a vote of staff, and only after all of that is completed will we know what the precise figure is, because staff can reject an enterprise agreement, as they have done in some departments in the past, and I would not want to pre-empt the legitimate view that staff might have about what is put forward.

**Senator TROOD:** No-one on this side of the table would want to do that. But you must have made provision for that figure.

**Mr Richardson:** Yes, but I do not think it would be appropriate in the context of a negotiation to signal that publicly.

**Senator TROOD:** Well, you are hardly giving away your position, Secretary, if you are already in broad agreement, shall we put it that way, in relation to the agreement. I am trying to get a sense—are we talking five million here or 10 million or two or—



**Mr Richardson:** No, we are—

**Senator TROOD:** What sort of figure are you talking about?

**Mr Richardson:** All right. In round terms I think you are talking \$10 to \$12 million, aren't you? Yes. It is around 10 to 12.

**Senator TROOD:** For this year or for the term of the agreement?

**Mr Richardson:** No. If the agreement was to commence on 1 July it would probably be a cost, so I am told, of around 10 million. But I can come back to you with a more precise number.

**Senator TROOD:** For this financial year?

**Mr Richardson:** Yes.

**Senator TROOD:** So you have to find the 10, the four and another 10 for this financial year?

**Mr Richardson:** Yes.

**Senator TROOD:** For which there is no provision.

**Mr Richardson:** That is right.

**Senator TROOD:** In fact, one of them is an additional cost and the other two are additional burdens on the department. So you are going backwards, just on a quick computation, at least \$24 million, and longer over the term of the financial agreement and over the term, of course, of the MYEFO money.

**Mr Richardson:** There are all sorts of other factors as well. For instance, we are in the process of renegotiating our service level agreements with other departments and agencies, and given the growth in numbers of staff from other agencies overseas, we will probably get more in on that front. That, by and large, simply covers our costs, but there are swings and roundabouts there. So that is still being finalised on the other side of the ledger.

**Senator TROOD:** But as you say, that is money that is—

**Mr Richardson:** Largely.

**Senator TROOD:** money coming and going.

**Mr Richardson:** Yes.

**Senator TROOD:** The funds that we have just been speaking about are funds which you have to find within the resources of the department.

**Mr Richardson:** That is right.

**Senator TROOD:** And for which there is no compensation in the normal arrangements of government.

**Mr Richardson:** That is right, Senator. As you know, we are in a tight fiscal environment. As you know, the government is intending on returning the budget to surplus within a couple of years. There is a very big fiscal consolidation going on and, as a department of state, we are legitimately required to make a contribution to that. So it was never my expectation that in this financial year the Department of Foreign Affairs and Trade would somehow or other be exempted from the tightness of the fiscal environment which you see across government.

**Senator TROOD:** It is not just tough, is it? It is critical. It might even be said by some to be almost on life support.

**Mr Richardson:** We reached our trough in 2003. That is when we got down to our low point. And since 2003, we have actually been coming out of that trough. We have had an increase in staff since 2003. Indeed, if you look at simply A-based in terms of a full-time equivalent, which is the formal measure as you know, we had 2130 A-based staff as of 30 June 2009, and as of 31 March 2011, we had 2399 A-based staff. As of 30 June 2009, we had 528 A-based positions overseas. As of 31 March 2011, we had 573 A-based positions overseas. So, yes, our fiscal environment is tight, but also, when we look at the broader picture, we are in a better position than what we were a couple of years ago and our position has slowly improved since 2003.

**Senator TROOD:** Not from where I sit, I have to say. In that period of time you have got an expanding agenda. The government, and in particular this minister, is demanding that you do a great deal more than you were expected to do five years ago. With the agenda in relation to Australian foreign policy in the Asia Pacific, in Africa, in relation to the security council, in Europe, in Latin America, everywhere you look across the globe, this department is being asked to do more because this is a government—or at least it is a foreign minister—with a very ambitious foreign policy agenda. So it is hardly a steady state. Your proposition would be a plausible one, Secretary, if you were doing not much more than you were doing at the time you mentioned in those figures. But the agenda has expanded considerably, hasn't it? There are special ambassadors, envoys, all sorts of people that you are funding.

**Mr Richardson:** The agenda has expanded, but I have not put forward a proposition. I have simply put forward the facts. I mean, the fact is that we have come out of a trough since 2003. The situation still remains very, very tight.

**Senator TROOD:** I do not think that quite explains it. Senator Kroger has something, I think.

**Senator KROGER:** Yes, good morning. I just wanted to quickly touch base and seek clarification on a couple of tables published in Budget Paper No. 2. On page 201, we have an additional \$14.8 million specified for enhancement to intelligence related capabilities of ASIS, and it is noted that the measure is part of the Australian government's response to people smuggling. So there is \$14.8 million there. Yet, if you go to page 204, national security reprioritisation of resources, we seem to be taking it out of ASIS there—\$7.4 million in 2011-12 and \$7.4 million in 2012-13. So aren't we just, once again, moving the figures around, because you are taking funding away from ASIS and then just saying there is additional enhanced funding to combat people smuggling? But it is going back to ASIS. Certainly, it seems to be that way.

**Mr Richardson:** Senator, I am not in a position to comment on ASIS's budget.

**Senator KROGER:** But it is there in the budget papers.

**Mr Richardson:** It may be, but I am not in a position to provide comment on ASIS's budget.

**Senator KROGER:** I just think it makes a telling point that we seem to be moving the figures around.

**Mr Richardson:** Except to say ASIS is a statutory organisation. ASIS's budget has nothing to do with the budget of the Department of Foreign Affairs and Trade.

**Senator Conroy:** I think we need to acknowledge the point that Senator Trood himself just made, which is that we welcome your comment but government is doing more in foreign policy than it was five years ago. So I think that is a fair point, despite a constrained resource base.

**Senator KROGER:** Although that is certainly not indicative of spending more there; it is indicative of just being moved around.

**Senator Conroy:** Certainly Senator Trood's comment stands.

**Senator KROGER:** Thanks, Senator Trood.

**Senator TROOD:** Thank you. Now, Secretary, I think there is \$4 million in these papers for consular activity. Is that right?

**Mr Richardson:** That is right.

**Senator TROOD:** That is, in fact, an additional direction into that area. Is that correct?

**Mr Richardson:** That is right.

**Senator TROOD:** Someone is getting something, which is good. Now, how is that figure being allocated to the activities of consular services?

**Mr Richardson:** Some of it will relate to how we manage emergency responses in times of crisis. We are looking at doing some things there. We are reviewing some of our positions overseas, and we are also having a look at our arrangements within Canberra. So it will fall into those three areas. We have not made final decisions yet.

**Senator TROOD:** Is this likely to involve additional staff resources in consular?

**Mr Richardson:** It could involve some additional resources overseas. It could also—

**Senator TROOD:** Additional staff?

**Mr Richardson:** Yes, it could. It could also involve a redo of our set-up in the crisis centre.

**Senator TROOD:** I see. That's the crisis centre in Canberra?

**Mr Richardson:** In Canberra.

**Senator TROOD:** When you say a redo of the crisis centre, what do you mean?

**Mr Richardson:** We are reviewing the way our crisis centre is set up, the physical set up of it and the like, and whether we have all the capability in it that we think we should.

**Senator TROOD:** Does this involve any physical rebuilding of the crisis centre, or is there a physical—

**Mr Richardson:** It could. There is a physical part of the department, which is the crisis centre, and we are reviewing the way it is set up.

**Senator TROOD:** So the budget papers refer to the recent events which have obviously placed considerable demands on the consular activity of the department. Do I take it from this that it is your assessment that those demands over the recent months are likely to continue? Do you think it is unlikely there is going to be any reduction of the pressure on consular services?

**Mr Richardson:** There has been a reduction in the pressure. The crisis centre was operating 24 by 7 from the end of January to the end of March, and since the end of March, there has not been a need to stand the crisis centre up. So there is obviously a lot less pressure in that area than what there was at the height of Egypt, Libya, Bahrain, New Zealand, and Tokyo.

**Senator TROOD:** Obviously, one would not expect those things to happen on a daily basis. Although international relations being what it is, it is possible I suppose. But even if there were to be a normal rhythm of demand in relation to consular activities, then the current capacity you have you do not think is enough?

**Mr Richardson:** We think there is some additional capability we might need in the crisis centre, and as I said, we are reviewing our resources overseas in that area.

**Senator TROOD:** I see. I think the papers indicate an increase of staffing in consular areas. Is that right? The overall budgetary staffing is—where is that, Ms Thorpe? I know it is here.

**Ms Thorpe:** Page 30, Senator. It gives you for the outcome. It does not do it at the consular level. It does it at the passport level only. They have got consular and passport. Under the finance thing, we do not split it by program.

**Senator TROOD:** I see. Now, I thought I did see that you were moving staff around in relation to the various programs. So there are some nominal increases in relation to passports. For example, there is an increase of four in the passport area. Is that right?

**Ms Thorpe:** Senator, I am not quite sure. We tend to do the staffing at the outcome level, which is a combination. We have the dollars we do at the program level, but I am not quite sure where you are looking to get the—

**Senator TROOD:** Perhaps it would be easier if we did it this way. I suppose what I am keen to know is the extent to which there has been a nominal reassignment at all, if indeed there has been, of people against outcomes 1, 2 and 3 in relation to this particular budget.

**Ms Thorpe:** Senator, in terms of outcome 2, as you are aware—I think we explained to you last week—the passports is funded through a separate passport agreement—

**Senator TROOD:** Yes.

**Ms Thorpe:** The staffing that is included in outcome 2 for passports would reflect their expected production level, the level we are funded for in 2011-12 and the associated staff with it. We have not actually reallocated staff across the outcomes.

**Senator TROOD:** I see. But in relation to outcome 1, for example, in relation to staffing, on page 22 of the budget statement, you have got some average staffing levels there for 2010-11, which is 2115, and for 2011-12, which is 102, and similarly in relation to other outcomes. Obviously, that nominal is a decline for outcome 1. There is a slight increase for average staffing in relation to outcome 2, and similarly there is a slight increase in relation to outcome 3. But they are nominal attributions to the outcomes. Is that right?

**Ms Thorpe:** That is right. It is an attribution.

**Senator TROOD:** And they do not necessarily reflect the number of individuals.

**Ms Thorpe:** No. For example, outcome 3 would reflect the fact that we got the Baghdad funding. We do adjust it slightly for MPP measures. But yes, it basically is an attribution based process.

**Mr Moraitis:** It is not actual bodies or positions, Senator.

**Ms Thorpe:** No.

**Senator TROOD:** No.

**Mr Moraitis:** It is just a nominal thing. It is ASL, which is similar to—

**Senator TROOD:** Do you actually keep, Mr Moraitis, figures for actual bodies in relation to outcomes or not?

**Mr Moraitis:** Not really, no. We use ASL.

**Ms Thorpe:** We manage the department as a whole.

**Mr Moraitis:** Internally, we have a process of following where things are at.

**Mr Richardson:** If you wanted those figures, we could certainly allocate them and we could take it. If you wanted that on notice, we could certainly—

**Mr Moraitis:** We could give you a headcount by outcome.

**Senator TROOD:** I do not want you to be going off round the building and counting where people are, but—

**Mr Richardson:** No. We can do that, Senator.

**Mr Moraitis:** We can give you a headcount by outcomes, if you like.

**Senator TROOD:** That would be helpful, please.

**Mr Richardson:** We can do that.

**Senator TROOD:** Can take that on notice, if you can do that. If it is not possible, then that is—

**Mr Richardson:** It is certainly possible.

**Senator TROOD:** But if you can do that in relation to each of these outcomes, I would be grateful. Thank you. If it is possible and you have historical statistics, then you might provide me with some comparative material over the last, say, three years.

**Mr Richardson:** Okay.

**Senator TROOD:** Thank you. That would be helpful. Just while I'm passing over this area, in relation to language training—and you made some observations about this last Friday, I think, Secretary—I also asked a question on notice about this, which was question 29, for which you have provided me an answer. Thank you. What I will do is put on notice for you a question in relation to further detail I would like in relation to that information in terms of number of staff with proficiency at lower levels in relation to particular languages et cetera. I do not need that now, but I will put it on notice and I would be grateful if you could provide that information to me, please. I want to just take you to the budget measures on pages 18 and 19, which we have referred to earlier. There are various appropriations from the department there, but there is also a figure in relation to consular services. Where is it? I must have seen it somewhere else. There is a reference in the papers to the security council bid. I think it is an attribution of \$10.3 million.

**Mr Richardson:** That is right.

**Senator TROOD:** I thought that was in this budget measures table.

**Ms Thorpe:** Senator, it was in the bills.

**Senator TROOD:** Sorry?

**Ms Thorpe:** The reference to the \$10.5 million was in the department of finance's bills.

**Senator TROOD:** That is right.

**Ms Thorpe:** And they are a description of the measure.

**Senator TROOD:** Yes. I know I had that because I saw it earlier. This is it: \$10.5 million over two years to continue Australia's campaign for a place on the Security Council, which apparently involves additional positions in New York and Canberra and additional funding for posts, special envoy and public diplomacy. So the additional positions we were discussing earlier, Secretary, are not related to this. Is that correct?

**Mr Richardson:** That is right. I said one or two of them might be, but in terms of my general statement that we would increase the number of A-based we have overseas over the next 12 months, that was not related to the UN Security Council.

**Senator TROOD:** But this is a very specific statement of intention, so I take it that you have resolved to send additional people to New York in relation to this bid. Is that correct?

**Mr Richardson:** Some of it is in connection with the continued funding of people who are already there. We received funding over the last two years, as you will be aware, for our UN Security Council bid, and this is a continuation of that.

**Senator TROOD:** I see. So it is not, in fact, a new position in New York.

**Mr Richardson:** Look, I stand to be corrected. There may be one new position.

**Senator TROOD:** And what level is that position?

**Mr Moraitis:** It is proposed to be EL2.

**Mr Richardson:** As a director level, section head.

**Mr Moraitis:** Section head level.

**Mr Richardson:** Immediately below the SES.

**Senator TROOD:** And the special envoys, are they the existing special envoys, Mr Fisher and Mr McMullan?

**Mr Richardson:** They are the existing special envoys.

**Senator TROOD:** Are there additional envoys to be appointed?

**Mr Richardson:** No, I think they are—

**Senator TROOD:** We have got two already, haven't we?

**Mr Richardson:** We have had one, two—we might have had more than two I think. Yes, I think we have got three or four. It is more than two. Caroline can help.

**Ms Millar:** We currently have five envoys in place: Bob McMullan, as you know, has been working in Commonwealth African countries and Bill Fisher with francophone African countries. And also from within the department we have three others: Neil Mules, who has been working with Portuguese-speaking countries—he is a fluent Portuguese speaker—and

Peter Tesch, who has attended some multilateral meetings in central Asia; as well as Tim Fisher, who has represented the government primarily at interfaith dialogues.

**Senator TROOD:** Mr Fisher is the ambassador in the Holy See.

**Ms Millar:** That is right, and has got a strong interest in interfaith work.

**Senator TROOD:** So is he being distracted from his Holy See work to do this?

**Mr Richardson:** No, he does it in addition.

**Senator TROOD:** How long have these three been appointed special envoys?

**Ms Millar:** Over the last year or so.

**Senator TROOD:** I see. Are Mr Mules and Mr Tesch full time?

**Ms Millar:** No, they are members of the department and they attend specific meetings from time to time. It is very part time.

**Senator TROOD:** I see. So they are not drawing additional funds for their salary in addition to—

**Mr Richardson:** No, their salary is fixed. The additional costs are in accommodation and travel.

**Senator TROOD:** How often, Ms Millar, have these two individuals, Mr Mules and Mr Tesch, travelled in pursuit of these responsibilities?

**Ms Millar:** Mr Mules has done two trips. He did one in July last year to a summit of Portuguese-speaking countries in Angola, and he has also visited a number of Portuguese-speaking countries in May this year: Portugal, Capo Verde, Mozambique, and Angola. And as for Peter Tesch, as I mentioned previously, he attended a meeting of central Asian states in Kazakhstan, the OSCE, in June last year.

**Senator TROOD:** What was the cost of each of those trips?

**Ms Millar:** I do not have specific costings with me.

**Mr Richardson:** We would need to take that on notice.

**Ms Millar:** Normal travel and accommodation costs.

**Senator TROOD:** But these are specific responsibilities related to the security council bid, and I assume that they are therefore identifiable as costs—

**Ms Millar:** Yes, they are.

**Mr Richardson:** Yes, we can take that on notice and provide you with travel and accommodation costs.

**Senator TROOD:** Thank you. Would you do that? So there have not been any additional costs in relation to Mr Fisher, because he has stayed put. He has not incurred any additional travel costs related to the Security Council bid?

**Ms Millar:** He has travelled to several meetings where he has, among other things, raised the Security Council bid. That includes an interfaith dialogue in Manila last year in March, and also most recently a NAM foreign ministers meeting where he represented Mr Rudd in May.

**Senator TROOD:** I assume they are Security Council related costs, because Mr Fisher would not normally be found in Manila, would he?

**Mr Richardson:** That is right.

**Senator TROOD:** So could you give me the figure for his—

**Ms Millar:** Absolutely. We can get you the breakdown of those costs.

**Senator TROOD:** And tell me about Mr McMullan's escapades.

**Ms Millar:** I would not characterise them as that, but I can certainly tell you where he went.

**Senator Conroy:** I have known Mr McMullan for a long time and he has never engaged in an escapade.

**Ms Millar:** Mr McMullan has undertaken two visits to Africa in support of the campaign and also in support of the Commonwealth Heads of Government Meeting, which will be held, as you know, in Perth later this year. He was in Ethiopia, Namibia, Malawi, Lesotho, and South Africa in October 2010, and then in March this year in Uganda, Botswana, Tanzania, and Kenya.

**Senator TROOD:** I would like the costs for those, please.

**Ms Millar:** We can provide the breakdown of those.

**Senator TROOD:** What has Mr Fisher been doing?

**Ms Millar:** Mr Fisher—I think we mentioned this last time—in October 2010 attended the Summit of La Francophonie, the sister organisation to the Commonwealth, including to promote links between the two. He then also went to Senegal, Burkina Faso, and Togo in December, Gabon, Republic of Congo, and Cameroon in March this year, and in May he went to Mali, Guinea, Djibouti, and Comoros.

**Senator TROOD:** I see. And the costs for Mr Fisher as well.

**Ms Millar:** As a departmental officer, it was just the additional travel and accommodation costs of the trip.

**Mr Richardson:** And we can provide that.

**Senator TROOD:** Ms Millar, is there a forward program of work for any of these individuals—that is to say, is there any travel foreshadowed for any of them?

**Ms Millar:** Yes, there is some travel foreshadowed, Senator. Obviously we keep it under review all the time, depending on what our heads of mission are doing, the minister's own travel and so on. At the moment, we are looking at some forthcoming travel by Bill Fisher to West Africa in June, Niger, Cote d'Ivoire, Benin and Mauritania. We are still looking at what other trips may be in place, but that is the next one.

**Senator TROOD:** Mr Fisher is the only one whose travel plans are set at this stage, is that—

**Ms Millar:** That is right, but we are looking, obviously, at a comprehensive program.

**Senator TROOD:** But you are looking at further travel for Mr McMullan perhaps.

**Ms Millar:** At the moment, Senator, that is all we have in train. Until we have worked it through, it is probably best not to be misleading.

**Senator TROOD:** No.



**Mr Richardson:** Senator, I might add that in terms of any forward travel, the cost is accommodated within the \$10.5 million over two years.

**Senator TROOD:** The chair is pressing me for morning tea, so I am happy to stop there.

**CHAIR:** Do you have much longer to go on this, one or two minutes, or more?

**Senator TROOD:** I have plenty of stuff on the budget.

**CHAIR:** We will adjourn now.

**Proceedings suspended from 10.31 am to 10.48 am**

**CHAIR:** The committee will come to order. We resume our questioning of budget estimates, and I understand Senator Ronaldson has requested the call.

**Senator RONALDSON:** Thank you very much, Chair. Good morning, Minister and Mr Richardson. Mr Richardson, I understand that you tabled some documentation this morning in relation to departmental travel; is that right?

**Mr Richardson:** That is right.

**Senator RONALDSON:** Why the delay in tabling that information, Mr Richardson?

**Mr Richardson:** It involved a couple of departments. We have to go out to different parts of the department, and we also had to seek clearance from the minister's office.

**Senator RONALDSON:** When did you give it to the minister to seek clearance on it?

**Mr Richardson:** I have not got a precise date in my head; I would need to take that on notice.

**Senator RONALDSON:** Do you know whether in the last week, the week before or the week before that?

**Mr Richardson:** I cannot give you a precise answer; I would need to take it on notice.

**Senator RONALDSON:** Because there is a bit of sensitivity, isn't there, in the government about Mr Rudd's travel, and departmental travel, the gift that keeps on giving, the relationship between the Prime Minister and Mr Rudd. The delays were not in any way, I presume, to—

**Senator Conroy:** You are entitled to ask your question, Senator Ronaldson; you are not entitled to seek the opinion. As to the gift that keeps on giving, we thank you for Joe Hockey.

**Senator RONALDSON:** We have got on to Libya. I am happy to start on Libya now, and the no-fly zone, if we want to do that now, but maybe we will wait until the portfolio later on.

**Senator Conroy:** You can start on any topic you would like, Senator Ronaldson.

**Senator RONALDSON:** I asked you some questions about conferences last time, Mr Richardson, and you told me that the answer came back which said that you were not going to provide that information because of a resourcing issue.

**Mr Richardson:** That is right.

**Senator RONALDSON:** What is the resourcing issue?

**Mr Richardson:** No, the longstanding practice of successive governments that, where questions are asked which would entail research and work of a very significant, complex and time-consuming nature, that it is appropriate to give an answer of that kind. We gave that answer consistent with longstanding government practice of successive governments.

**Senator RONALDSON:** Is that right? Is that just in relation to this portfolio that that is a longstanding practice, or is that elsewhere?

**Mr Richardson:** That is across government and has been for many years.

**Senator RONALDSON:** Is that right? You wrote to all these departmental heads, presumably.

**Mr Richardson:** No.

**Senator RONALDSON:** How would you know then, Mr Richardson, whether it was going to be too big an undertaking to obtain that information if you actually did not write to the people who were responsible for providing it?

**Mr Richardson:** No, because I pursued the matter within the department and satisfied myself that it would entail work of that length and complexity.

**Senator RONALDSON:** Would you detail to me, please, the conversations you had with the department? You have not written to anyone, so you detail it to me on what basis you formed this opinion.

**Mr Richardson:** They are conversations that took place within the department; they are not conversations that I would detail to you. They simply went to the issue: whether we did have the data, whether we could retrieve the data. In some cases, it appeared that the data simply did not exist because, in relation to one question, it went to back 1996 and I was advised that we did not have the data going back that far.

**Senator RONALDSON:** You picked up the phone to these departmental heads, did you?

**Mr Richardson:** No.

**Senator RONALDSON:** I have ascertained you did not write to them. You have not picked up the phone to them, so I am still interested to find out on what basis you made this judgment; or could it be that you saw the question and just made a decision that you were going to invoke some longstanding government practice defence and that was the response. Is that the possible outcome, Mr Richardson?

**Mr Richardson:** No, that would be entirely wrong.

**Senator RONALDSON:** You tell me—

**Mr Richardson:** I have already told you, Senator.

**Senator RONALDSON:** No, you have not told me, because you have not rung them, you have not written to them. Did you email them?

**Mr Richardson:** I did not need to communicate with another department; I was able to make my inquiries and form a reasonable judgment within the department.

**Senator RONALDSON:** Of whom did you make the inquiries?

**Mr Richardson:** I made the inquiries of departmental officers, the names of whom I will not give you.

**Senator RONALDSON:** Mr Richardson, I will move on to other—

**Senator Conroy:** Senator Ronaldson. Senator Ronaldson. Senator Ronaldson.

**Senator RONALDSON:** You did not make any inquiries about this; you just made a unilateral decision that you were not going to—

**Mr Richardson:** Senator, that is totally wrong.

**Senator Conroy:** That is impugning the character—

**Mr Richardson:** That is totally wrong, Senator. That is totally wrong.

**Senator RONALDSON:** I cannot get—

**Mr Richardson:** That is totally wrong.

**Senator RONALDSON:** Can you get an answer for me?

**Mr Richardson:** That is totally wrong, Senator.

**Senator RONALDSON:** There has been no contact with anyone.

**Mr Richardson:** That is totally wrong. I sat down and had a number of conversations, full stop. If you do not wish to believe that, so be it.

**Senator RONALDSON:** It wouldn't have been quicker just to write to them, Mr Richardson. I am sure you are a busy man. You could have just sent out an email to the departmental heads and said, 'Is it too difficult to get this?' or 'Can we provide it?' but you actually picked up the phone. I am very, very impressed that you have taken it so seriously. I also asked you during the last estimates to take on notice how many times prime ministers have travelled with foreign affairs ministers. I have not got a response back to that yet. Do you want to take that on notice again?

**Mr Richardson:** Yes. Foreign ministers travelling with prime ministers, or prime ministers travelling with foreign ministers?

**Senator RONALDSON:** You go back to the Senate *Hansard* on 24 February where you took a question on notice. I will just refer you to that, and if you can perhaps give me an answer, I would be very grateful.

**Mr Richardson:** Okay; thank you.

**Senator RONALDSON:** Mr Richardson, can you detail, please, your discussions with Finance in relation to the provision of information that I requested, when you made that request, what was the nature of the request, did you refer the Senate *Hansard* to Finance? Can you just take me through that.

**Mr Richardson:** That was communicated to the department of finance by the relevant areas of the department; It was not communicated by me personally. But in the normal course of events, the department did it. I do not have the precise details.

**Senator RONALDSON:** Did anyone from your department advise you, because it was a personal undertaking, as you know,?

**Mr Richardson:** Sorry, what?

**Senator RONALDSON:** It was a personal undertaking. You undertook me to that you would do so.

**Mr Richardson:** Senator, when I undertake to do something of that kind, I am undertaking in my official capacity, which means it is perfectly legitimate for me to ensure that the department does it. It does not mean that I personally do it. In some cases I would; in other cases I would not.

**Senator RONALDSON:** You said to me that initially you were not going to provide that information and then you agreed to do so. Have you seen the answers?

**Mr Richardson:** The answers to which questions, Senator?

**Senator RONALDSON:** Do you think it is appropriate for a plea just to be made that the information will become available on tabling because that certainly was not my question to you, was it, when the information was going to be tabled. I actually wanted the specific information, I think, from recollection, didn't it?

**Mr Richardson:** As you know, Senator, when ministers travel abroad, much of their travel costs are met out of the Department of Finance and Deregulation. The information relating to ministerial travel and the costs borne by the Department of Finance and Deregulation is tabled in the parliament every six months by the Department of Finance and Deregulation.

**Senator RONALDSON:** Will you undertake to update the information that was provided at the eleventh hour today in relation to departmental expenditure in the terms of the last Senate estimates with accommodation and costs et cetera and update that information for the committee?

**Mr Richardson:** I am sorry, Senator, I do not quite follow the question.

**Senator RONALDSON:** The departmental information that was provided this morning at the eleventh hour, can that be updated, please, to now because I think it was only up until the question asked at last estimates. I just need that updated.

**Mr Richardson:** When you say update, do you mean in relation to the travel you asked about—

**Senator RONALDSON:** No, the travel in relation to the departmental officers that accompanied Mr Rudd.

**Mr Richardson:** But since last senate estimates?

**Senator RONALDSON:** Yes.

**Mr Richardson:** Yes.

**Senator RONALDSON:** So update that, please.

**Mr Richardson:** Alright.

**Senator RONALDSON:** Thank you. Because my quick reading of this is that it was only up till the date the question was asked back in February.

**Mr Richardson:** That is right.

**Senator RONALDSON:** Is Mr Rudd absent from Australia over the next two weeks?

**Mr Richardson:** I do not have his travel schedule in front of me, Senator. I think he does go abroad over the next week.

**Senator RONALDSON:** There is a general view, Mr Richardson, which, when you look at the evidence of—

**Senator Conroy:** General view among who?

**Senator RONALDSON:** Sorry.

**Senator Conroy:** General view among who?

**Senator RONALDSON:** I actually suspect you probably do not disagree with any of this, Minister, but, anyway, I will—

**Senator Conroy:** I will just check with—

**Senator RONALDSON:** I will go on and have a further discussion about it. It would seem that Mr Rudd is here for parliamentary sittings and virtually, as soon as the bell has gone on a Thursday night, he is out of here and he is overseas. Would that be a reasonable or unreasonable take on—

**Senator Conroy:** Unreasonable, I think, is the definition.

**Mr Richardson:** I think it is factually inaccurate, Senator.

**Senator RONALDSON:** Has the foreign minister been to New Zealand, Papua New Guinea and the Solomon Islands since—

**Mr Richardson:** Yes. The foreign minister has been to New Zealand.

**Senator RONALDSON:** When was that?

**Mr Richardson:** He was in New Zealand on 25 and 26 March.

**Senator RONALDSON:** And what was the purpose of that trip?

**Mr Richardson:** The purpose of that trip, I believe, was related to meetings with the New Zealand counterpart and also I believe he went to Christchurch.

**Senator RONALDSON:** Yes.

**Mr Richardson:** He discussed with the New Zealand foreign minister collaboration in disaster management.

**Senator RONALDSON:** And New Guinea?

**Mr Richardson:** Papua New Guinea?

**Senator RONALDSON:** Yes.

**Mr Richardson:** He has not yet been to Papua New Guinea. He has plans to go to Papua New Guinea over the next month or so. He visited Michael Somare in hospital in Singapore.

**Senator Conroy:** Mr Marles has been to Papua New Guinea on a number of occasions. Is that right?

**Mr Richardson:** Yes.

**Senator RONALDSON:** Sorry?

**Senator Conroy:** Mr Marles has been to Papua New Guinea on a number of occasions.

**Senator RONALDSON:** Richard Marles?

**Senator Conroy:** The parliamentary secretary. Parliamentary Secretary Marles, if that helps.

**Senator RONALDSON:** I am sure they were very excited about having someone as senior as that attending. The foreign minister, I would have thought, given the nature of the relationship, should have been spending some time there. What did the foreign minister do in Kazakhstan, by the way, on his trip there?

**Mr Richardson:** He attended a meeting of the Organisation for Security and Co-operation in Europe summit, which was the first time an Australian foreign minister had participated in the OSCE, which we joined some time ago.

**Senator RONALDSON:** How long was he there for?

**Mr Richardson:** He was there for two days, on 1 and 2 December.

**Senator RONALDSON:** Is he is travelling next week?

**Mr Richardson:** I said I think he is.

**Senator RONALDSON:** Someone here must know whether he is travelling next week, if you do not.

**Mr Richardson:** We will confirm that for you before lunchtime.

**Senator RONALDSON:** And the week after?

**Mr Richardson:** I cannot answer that off the top of my head.

**Senator RONALDSON:** Is the foreign minister going to be out of the country during July?

**Mr Richardson:** I think he will have some travel planned in July.

**Senator RONALDSON:** Has that been finalised yet?

**Mr Richardson:** Not yet.

**Senator Conroy:** I am pleased to see you following so closely our hardworking foreign minister, Senator Ronaldson.

**Senator RONALDSON:** I am glad you brought that up.

**Senator Conroy:** Campaigning hard for us.

**Senator RONALDSON:** I am glad you raised that question, Minister.

**Senator Conroy:** Pursuing the national interest.

**Senator RONALDSON:** Perhaps you could answer this question for me. Does the foreign minister put his program together or does the Prime Minister put it together for him to absolutely maximise the chance of him being out of the country?

**Senator Conroy:** Did Joe Hockey really claim that he was a better shadow treasurer than Malcolm Turnbull? Did he really put that in writing?

**Senator RONALDSON:** That has arced you up, hasn't it?

**Senator Conroy:** Did he really say that? That must burn!

**Senator RONALDSON:** Who does organise it?

**Senator Conroy:** Gee, that must burn—Joe Hockey claiming he has done a better job than someone.

**Senator FERGUSON:** The Prime Minister just loves this fellow being out of the country, doesn't she?

**CHAIR:** Order! I have a suggestion to assist in the deliberations, and that is that the opposition will ask the questions and the minister and the representative at the table will answer them. That might be a useful way to proceed—novel, as it is.

**Senator RONALDSON:** This could be you if you were the foreign minister, Minister.

**Senator Conroy:** It will never happen.

**Senator RONALDSON:** You could be out of the country every day as well.

**Senator Conroy:** I do not have Mr Richardson's or Mr Rudd's patience.

**Senator FERGUSON:** There is evidence of that.

**CHAIR:** Order!

**Senator RONALDSON:** On a very regular basis, I would have thought.

**Mr Richardson:** Senator, if I could answer your question.

**Senator Conroy:** But I do remember some of your diplomatic negotiating skills on overseas trips, Senator Ronaldson.

**Senator RONALDSON:** That is right. I should be in the job. You are quite right.

**Mr Richardson:** Travel by the foreign minister is initiated and approved in the normal manner pursued under successive governments—that, is proposals for travel by the foreign minister overseas is submitted to the Prime Minister's office for agreement.

**Senator RONALDSON:** Has Ms Gillard ever refused Mr Rudd leave to travel?

**Mr Richardson:** That is a matter between the Prime Minister and the foreign minister.

**Senator RONALDSON:** Will you take that on notice?

**Mr Richardson:** I believe it is a matter between the Prime Minister and the foreign minister.

**Senator RONALDSON:** Are you aware, Minister, of any occasions where the Prime Minister has refused Mr Rudd—

**Mr Richardson:** I do not believe private discussions between a minister and a prime minister is the subject for proper answer by officials.

**Senator RONALDSON:** Sorry, I was talking to the minister.

**Mr Richardson:** I apologise.

**Senator RONALDSON:** Minister, are you aware of any time when Ms Gillard has refused Mr Rudd leave to travel?

**Senator Conroy:** I will take that on notice and see if there is any information that I can bring to bear on that.

**Senator RONALDSON:** Thank you very much. That was not all that difficult, Mr Richardson, was it?

**Senator Conroy:** Does Malcolm Turnbull get to be part of preparing Joe Hockey's speech at the Press Club?

**Senator RONALDSON:** If that is the best you can do in response to this then can I suggest that you do not give up your day job, because that is really not doing you a lot of favour, I have got to say, Minister. As you and I well know, the relationship between the Prime Minister—

**Senator Conroy:** How was Anzac Day in Gallipoli? Did you go to the UK, Italy and Gallipoli recently?

**Senator RONALDSON:** I am sorry?

**Senator Conroy:** Did you go the UK, Italy and Gallipoli recently?

**Senator FERGUSON:** Chair, point of order. My understanding of estimates is that it is not for the witnesses at the table to ask questions.

**Senator Conroy:** It was more rhetorical.

**CHAIR:** A point of order has been taken by an opposition senator and he has asked me to rule.

**Senator FERGUSON:** I am asking you to rule whether it is in order for the minister to ask questions of senators who are here asking questions—

**CHAIR:** I am not aware that the standing orders in any way prohibit ministers asking questions of opposition senators. I am aware that it is customary practice for opposition and other senators to ask questions of the minister and of departmental officials. I am also aware it is customary practice for the officials and the minister at the table to be given an appropriate amount of time to respond. I think if we all continue with that practice we would have a better set of estimates.

**Senator RONALDSON:** Minister, would you like me to start trawling through the study leave taken by Labor ministers? Perhaps, in your question—

**Senator Conroy:** I do not have a problem with you going to the UK, Italy and Gallipoli.

**Senator RONALDSON:** No.

**Senator Conroy:** I think it is a good thing.

**Senator RONALDSON:** That was not the point of your comment at all. I assure you that, as shadow minister for veteran affairs, I make absolutely no apologies for going to Gallipoli.

**Senator Conroy:** I support you going.

**Senator RONALDSON:** If you are in any way insinuating that I should not go to Gallipoli as the shadow minister for foreign affairs then let the record stand in relation to that particularly crass comment that you just made.

**Senator Conroy:** I support your trip.

**Senator RONALDSON:** And if you want to apologise I will accept it.

**Senator Conroy:** I support your trip. I congratulate you on making it.

**Senator RONALDSON:** Why did you raise it then in the context that you did? That is outrageous.

**CHAIR:** Order.

**Senator RONALDSON:** And I suppose you would talk about my trip to Crete with the minister last week.

**Senator Conroy:** I support that as well.

**Senator RONALDSON:** That was inappropriate, was it?

**Senator Conroy:** I support that as well.

**Senator RONALDSON:** One step too far.

**Senator Conroy:** It is the hypocrisy that is entertaining.

**Senator RONALDSON:** That is a very poor reflection on you.



**Senator Conroy:** It is the hypocrisy that is entertaining, Senator Ronaldson.

**Senator RONALDSON:** No, you were just being a smart Alec.

**Senator Conroy:** So you can travel on official business in your portfolio but Mr Rudd cannot.

**Senator RONALDSON:** You were just being a smart Alec. You often take that one step too far.

**Senator Conroy:** So you can go on official business but the foreign minister cannot, Senator Ronaldson? It is the hypocrisy that needs to be exposed.

**Senator RONALDSON:** I can tell you what: I can go back to my office and pull out the file if you want to go down that path.

**Senator Conroy:** Oh, pull out the file.

**Senator RONALDSON:** You know exactly what I am talking about. I am more than happy to do it if you pull a stunt like that again, too. Mr Richardson, is there anyone here who can tell me Mr Rudd's immediate travel plans? You said that you cannot. Is there anyone here who can?

**Mr Richardson:** We will get them for you, Senator, in terms of his possible travel next week.

**Senator RONALDSON:** As to the failure of the Prime Minister to travel to Papua New Guinea, for example, have you made any suggestions to him about what you think might be appropriate travel for him as foreign minister?

**Senator Conroy:** That is asking an opinion from an officer.

**Senator RONALDSON:** It is not asking for an opinion at all; I am asking whether he has or he hasn't.

**Mr Richardson:** Discussions between myself and the minister on matters of that kind are confidential. I would note that the parliamentary secretary has been to Papua New Guinea. I would also note that the foreign minister, as I mentioned, visited Prime Minister Michael Somare in hospital in Singapore and I would also note that I do know that the foreign minister has plans to visit Papua New Guinea over the next month or so.

**Senator RONALDSON:** Do you believe that all these countries that have been visited by Mr Rudd were more important than a visit to Papua New Guinea?

**Mr Richardson:** The countries that the foreign minister has visited he has visited for a reason. I mentioned to you that the parliamentary secretary has been to Papua New Guinea on a number of occasions and I have mentioned to you the foreign minister's intentions.

**Senator RONALDSON:** So is a visit to Liechtenstein more important than a visit to Papua New Guinea, do you think?

**Senator Conroy:** Now you are asking the officer to give an opinion, which is not the purview of Senate estimates. If you would like to ask factual based questions about the estimates, I am sure Mr Richardson can assist. But asking him to adjudicate between the value of two trips is a little outside the terms of the committee's—

**Senator RONALDSON:** Is part of your role, Mr Richardson, to provide the foreign minister with strategic advice in relation to our relationship with foreign countries?

**Mr Richardson:** That is right, Senator.

**Senator RONALDSON:** So I will then ask you again: is a trip to Liechtenstein more important than a trip to Papua New Guinea?

**Mr Richardson:** I am sorry, Senator, I will not answer that question. I will not answer questions about the relative value of different visits. Every visit the foreign minister makes he undertakes for important reasons.

**Senator Conroy:** Would you like a list of parliamentary secretary Marles' travel?

**Senator RONALDSON:** No, not particularly.

**Senator Conroy:** PNG, Solomon Islands, Vanuatu, Samoa, New Caledonia, New Zealand, Nauru, Kiribati, Tirebolu, Cook Islands, Niue, Palau, Guam, Northern Mariana Islands, Federated States of Micronesia, Marshall Islands, Honolulu, French Polynesia, Tonga, America and Japan.

**Senator RONALDSON:** Thank your staff member for whizzing that through.

**Senator Conroy:** I will do that: thank you, staff member.

**Senator RONALDSON:** But I do not think he has got the title of the foreign minister. Mr Richardson, as the strategic adviser to the government and the foreign minister, in particular, how do you view our relationship with Papua New Guinea?

**Mr Richardson:** Papua New Guinea has been an important relationship for successive of Australian governments for many decades.

**Senator RONALDSON:** Yes. Where would you view the importance of that strategic relationship compared to other countries such as Liechtenstein? Where would you view that relationship?

**Mr Richardson:** You are repeating the same question as a question or so ago and I gave you the answer previously and my intention has not varied.

**Senator TROOD:** Can I just intervene?

**Senator RONALDSON:** Sure, please.

**CHAIR:** Are you intervening or taking a point of order?

**Senator TROOD:** I wish to ask a question on this point.

**CHAIR:** Okay.

**Senator TROOD:** Mr Richardson, do you know when the foreign minister was in Liechtenstein?

**Mr Richardson:** Yes. He was in Liechtenstein for part of 3 February.

**Senator TROOD:** The third?

**Mr Richardson:** He was there for part of a day.

**Senator TROOD:** So we are talking more than just dropping in at the airport there somewhere and moving on?

**Mr Richardson:** I do not have the precise length of time he was on the ground, but it was a very brief visit for part of the day on 3 February.

**Senator TROOD:** But he had some meetings there, I assume?

**Mr Richardson:** He met with the Liechtenstein foreign minister.

**Senator TROOD:** So he met the foreign minister on 3 February and he is proposing to go to PNG in the second half of the year? Is that right?

**Mr Richardson:** No; I said over the next month or so.

**Senator TROOD:** I see.

**Mr Richardson:** The second half of the year would be from 1 July.

**Senator TROOD:** So sometime over the next month or so?

**Mr Richardson:** Yes.

**Senator TROOD:** So he went there in February, the second month of the calendar, but he will not be going to Papua New Guinea until some time this month, perhaps, but more likely next month. Is that right? So it is going to be something like five months between the two visits?

**Mr Richardson:** As I mentioned, he did visit Prime Minister Michael Somare in hospital in Singapore.

**Senator TROOD:** And he is in hospital because he is, of course, not well and there are questions about the likelihood that he would be able to continue as Prime Minister of PNG. Is that correct?

**Mr Richardson:** I will not comment on the internal affairs of Papua New Guinea.

**Senator TROOD:** I will put it a different way perhaps. There is a delicate situation at the very top of the PNG government. Mr Somare has been unable to perform his responsibilities for quite some time because he has been ill for quite some time. He has been ill for quite some time, hasn't he?

**Mr Richardson:** Yes.

**Senator TROOD:** So has the foreign minister been there and met any of his other ministers?

**Mr Richardson:** Senator, I have already given the answer in respect of his travel to Papua New Guinea. I can add no more than the answer I have already given.

**Senator TROOD:** It strikes me that, in a situation like this, Mr Richardson, Australia and, indeed, the Australian foreign minister would have an interest in getting to know as closely as possible the people who are at the very apex of the PNG government in light of the PNG Prime Minister's indisposition. Of course, we all hope he recovers quickly and is able to resume his responsibilities, but he has been ill for quite a period of time and there is every possibility that there is going to be a change in leadership there. I would have thought the foreign minister would take some interest in that.

**Mr Richardson:** He certainly does take an interest in it. As has already been mentioned, the parliamentary secretary, Richard Marles, has been to Papua New Guinea and to other Pacific countries on a number of occasions. And, as I have mentioned, the foreign minister will himself be visiting Papua New Guinea over the next month or so and he will be visiting around the Pacific more widely in the lead-up to the next Pacific Islands Forum.

**Senator TROOD:** He is a senior portfolio minister, obviously. He is the person who should be visiting some of these places, but I will now pass back to Senator Ronaldson.

**Senator Conroy:** I think that is a very poor reflection on Parliamentary Secretary Marles, which I do not think you meant; it is just the way it is implied.

**Senator TROOD:** It was no reflection on Parliamentary Secretary Marles at all.

**Senator RONALDSON:** I think it was a reflection on the foreign minister. So what was the nature of the discussions with the foreign minister in Liechtenstein?

**Mr Richardson:** It was the first visit by an Australian to Liechtenstein. They talked about matters of mutual interest. I do not have the details with me.

**Senator RONALDSON:** So the foreign minister was prepared to drop in to see the foreign minister for Liechtenstein but he has not found the time to travel to Papua New Guinea. I put to you that that is a reflection on his priorities for the region.

**Mr Richardson:** I would not accept that as a proposition and I have already given you the factual answers that I can.

**Senator RONALDSON:** I have not been to Papua New Guinea. How far is it by VIP from Canberra to Papua New Guinea? Is it four hours or three hours?

**Mr Richardson:** It is an hour from here to Brisbane. From here to Cairns is another couple of hours. Papua New Guinea, I imagine, from Canberra would be a three- to four-hour trip.

**Senator RONALDSON:** So where was the foreign minister before he went to Liechtenstein?

**Mr Richardson:** Sorry?

**Senator RONALDSON:** Before he went to see the foreign minister of Liechtenstein where was Mr Rudd?

**Mr Richardson:** He was in Greece.

**Senator RONALDSON:** And after Liechtenstein?

**Mr Richardson:** He was in Germany.

**Senator Conroy:** Would you like an atlas?

**CHAIR:** That does not help!

**Senator Conroy:** I was assuming that he was looking to see where Liechtenstein was compared to Germany.

**Senator RONALDSON:** You are so childish sometimes. You really are so incredibly childish. I think there was one other matter, Mr Richardson, from the last estimates. I will come back to that if I can find it. Thank you, Mr Richardson. Thank you, Chair.

**CHAIR:** Thank you, Senator Ronaldson.

**Senator TROOD:** Mr Richardson, just in relation to the foreign minister's travels: he has been to the Middle East, I think, in recent months.

**Mr Richardson:** Yes, he has.

**Senator TROOD:** Do you know the dates of his travel to the Middle East?

**Mr Richardson:** Yes, I can give you that. He visited Israel and the Palestinian territories in late April. He visited the United Arab Emirates in mid-April; he visited Egypt, the United Arab Emirates, Jordan, Israel, the Palestinian territories, Saudi Arabia and Tunisia in early

March; he visited Egypt, Jordan, Israel and the Palestinian territories in mid-December of last year; and he visited the United Arab Emirates in late November-early December. I should say that, in respect of most of those visits to the Middle East, he undertook other travel as well to other countries outside the Middle East. They were not visits exclusively to the Middle East.

**Senator TROOD:** Just going through that list, he seemed to have spent a lot of time in the UAE.

**Mr Richardson:** In part that reflects, Senator, the fact that you do move through the UAE. For instance, the minister has been to Afghanistan, and the most convenient way to get into Afghanistan is via the UAE. That is very common. Also, if you are visiting other parts of the Middle East, very often the flight connections will take you to the UAE. Given our relationship with the UAE, normally a minister would engage in some discussions with UAE ministers while he is there.

**Senator TROOD:** Were each of these trips to the UAE substantive trips—that is, the foreign minister met some UAE officials while he was there? Or was that not the case?

**Mr Richardson:** In late November last year he was in the UAE to attend the Afghanistan International Investment Conference. So, while he was in the UAE and while he met with ministers in the UAE he met with the foreign minister of the UAE, the primary focus of the visit was Afghanistan. When he was in the UAE in early March of this year he attended the inaugural Australia-Gulf Cooperation Council Foreign Ministers' Strategic Dialogue. That was a meeting that involved not only involved the UAE but also the other Gulf countries—and they are an important economic partner with Australia. When he was in the UAE in mid-April he did meet with the Crown Prince. He was there for just part of the day. So he was passing through and met with the Crown Prince.

**Senator TROOD:** Are we putting more resources into that part of the world? With this travel, and in the UAE, in particular, there seems to be a very particular concentration of effort there. Are you moving resources around the department to focus on the Middle East area?

**Mr Richardson:** Do not forget, Senator, that two of those visits to the UAE involved matters beyond the UAE. One of them involved Afghanistan and the other involved the Gulf Cooperation Council. While there are no current plans to put additional resources into that part of the world, they are an important economic partner. Senator, you will be aware that at a recent visit to Brisbane a month or so ago the UAE donated \$30 million for the building of disaster relief shelters in Queensland. The initiative that the UAE took in respect of Queensland very much reflects the growing relationship that we have with that part of the world.

**Senator TROOD:** I see.

**Senator Conroy:** Senator Trood, would you like to nominate which countries the foreign minister should not have visited?

**Senator TROOD:** No.

**Senator Conroy:** Do you object to him visiting the UAE or Afghanistan? Do you object to him going and seeing the progress being made in Uruzgan Province?

**CHAIR:** Minister, the purpose of budget estimates is to examine those documents and the practice is for opposition senators to ask the questions.

**Senator Conroy:** And the minister at the table is entitled to answer broadly—

**CHAIR:** You were not asked questions.

**Senator Conroy:** The minister has asked every question he chooses to delegate.

**Senator TROOD:** The minister at the table should have the good sense to keep quiet most of the time. Mr Secretary, I think you said there were visits to the UAE, United Arab Emirates, Jordan, Palestine et cetera in early March.

**Mr Richardson:** That is right.

**Senator TROOD:** When Mr Rudd travels, I assume the travel itinerary is well established beforehand. Is that right? He does not just turn up somewhere and hope to get on an aircraft.

**Mr Richardson:** No, it is planned.

**Senator TROOD:** Just in relation to that trip, did he travel from Jordan to Saudi Arabia? Was that one of the hops that he undertook?

**Mr Richardson:** No, he travelled from Amman to Ramallah to Jerusalem to Jeddah. So he went from Jordan to Israel, the Palestinian territories and then Saudi Arabia.

**Senator TROOD:** So he did not fly directly from Jordan to Saudi?

**Mr Richardson:** No.

**Senator TROOD:** I see. How long did that take to accomplish, to go from Jordan to Saudi Arabia, eventually getting there via Ramallah, et cetera?

**Mr Richardson:** He arrived in Amman on 5 March. He also visited Ramallah on 5 March, which is in the Palestinian territories, and on the same day, on 5 March, he travelled from Ramallah back to Jerusalem. He was in Jerusalem on 6 March and then travelled to Jeddah on 7 March.

**Senator TROOD:** From Jerusalem?

**Mr Richardson:** Yes, and what the precise travel was in terms of airline travel, I do not have the details with me.

**Senator TROOD:** You mean to say you do not have the flights or the carriers or anything of that kind.

**Mr Richardson:** That is right.

**Senator TROOD:** Can you take that on notice, Mr Richardson, just in relation to that sector of his Middle East odyssey—which carriers he used, et cetera, please?

**Mr Richardson:** Sure.

**Senator TROOD:** Thank you. I was just following on from Senator Ronaldson's questions there, but I wanted to return to the place I was focusing on prior to our morning tea break, which was this United Nations matter. My understanding is that the \$10.5 million that has been referred to is not a new appropriation.

**Mr Richardson:** That is right.

**Senator TROOD:** So this is a measure which will be met, as the budget papers say, from within the existing resources of the department.

**Mr Richardson:** That is right. We are required to meet it and to absorb the cost.

**Senator TROOD:** So this in fact is yet another burden, in addition to those that we were referring to earlier.

**Mr Richardson:** It adds to the pressure.

**Senator TROOD:** So it adds to the \$4 million, the \$10 million and the other \$10 million from the enterprise agreement. So just in a morning's work we are up to \$34 million or \$35 million in additional revenue that you are required to discover from your existing operating budget. Is that right?

**Mr Richardson:** The \$10.5 million is to be absorbed over the next two years, not over one year. Some of those costs are already in the system in terms of salaries and the like. But we do have to absorb travel costs and the like—that is right. There is an additional cost there.

**Senator TROOD:** Yes. So this in fact is just identifying an activity.

**Mr Richardson:** And estimating the cost of it, that is right.

**Senator TROOD:** Yes, within the department's budget. So you have got some better idea of how much this is costing. Is that a fair statement?

**Mr Richardson:** That is a reasonable statement, yes.

**Senator TROOD:** So you are going to absorb these costs. Has there been any directive either that you have issued or from the foreign minister in relation to the department's focus in relation to the United Nations bid?

**Mr Richardson:** In what sense?

**Senator TROOD:** Have you or the minister issued any kind of general instruction or advice to staff that the United Nations bid is the highest priority of the department's agenda?

**Senator CONROY:** It is certainly a priority.

**Mr Richardson:** Certainly I have not issued a directive saying it is 'the highest priority'. However, everyone in the department is aware that it is a priority for the government and it is a priority which the government has made clear publicly.

**Senator TROOD:** So this is not something you think you need to draw to the attention of the staff, in other words?

**Mr Richardson:** No, we discuss it. I meet with the relevant people in the department regularly in respect of the UN Security Council bid. There have been communications to posts and there has been communication within the department about it being a priority.

**Senator TROOD:** So there have been several instructions or advice has gone out through the department about the priority and the importance that you and the minister attach to the bid.

**Mr Richardson:** That I, the minister and more importantly the government, through the minister, attach to the bid.

**Senator TROOD:** I am just looking at the incoming brief, which has been made available on FOI. In relation to that section, with regard to the United Nations Security Council candidacy, it is said that:

If we are to win a Security Council seat in October 2012 for the 2013-14 term, we need to prosecute an increasingly active, dynamic and well-resourced campaign.

So would you say that your efforts in relation to advising the staff and prioritising this area are a reflection of your efforts to mount an increasingly active, dynamic and well-resourced campaign?

**Mr Richardson:** I think that would be fair.

**Senator TROOD:** Good. The brief also says that you are going to 'revert to ministers soon on the additional resources needed for the final stages of the campaign and our prospective term on the council'. You have not got any additional resources on the bid, have you?

**Mr Richardson:** No.

**Senator TROOD:** There was a vote in 2008-09, was it, Ms Thorpe—the original allocation?

**Mr Richardson:** The last two years, yes.

**Senator TROOD:** The 2008-09 year, was it?

**Ms Thorpe:** For one year, we got it 2008-09, and we got it for another two years thereafter.

**Senator TROOD:** That is right. So it was that year. Anyway, you had one allocation of funding.

**Mr Richardson:** Yes.

**Senator TROOD:** There has not been another allocation of funding, as I understand it.

**Mr Richardson:** That is right, not for this year or next year.

**Senator TROOD:** So you have to absorb these positions, and you told us earlier that there is another position in New York at a deputy level or a director level.

**Mr Richardson:** A director level.

**Senator TROOD:** Ms Millar is running the campaign. How many staff does she have?

**Mr Richardson:** About four, I think—Caroline plus three or four?

**Ms Millar:** Me plus five at the moment.

**Mr Richardson:** Plus five.

**Ms Millar:** But not all of them are full time.

**Senator TROOD:** Is that a consistent number, Ms Millar? Are they the numbers you have had for some time or has that been increased?

**Ms Millar:** No, that is the number that I have had for some time.

**Senator TROOD:** I see. Just explain to me how your outfit is being paid for. Is that within the original allocation of funding or is that being absorbed in the \$10 million?

**Mr Richardson:** Up until 30 June of this year it is covered by previous specific allocations of moneys. From 1 July on, it will be a cost which is absorbed within the department.

**Senator TROOD:** I see. Mr Rudd's travel is not part of the calculation in these figures, is it?

**Mr Richardson:** No.



**Senator TROOD:** So that is an additional burden on the Australian government, not necessarily the department, or it is an additional burden on the cost of the bid.

**Mr Richardson:** It would not be accurate to attribute all the costs of his travel to the UN Security Council bid. While he obviously pursues that in his travel, it is rarely the sole purpose of his travel, and indeed the major purpose of his travel is normally driven by other factors.

**Senator TROOD:** So he is not travelling so widely only because of the Security Council bid?

**Mr Richardson:** That is quite right.

**Senator TROOD:** But would it be fair to say, Mr Richardson, that at every point of these travels, and whether he drops down for a couple of hours in UAE, Jeddah or Riyadh or wherever he might be, that he raises the Security Council bid?

**Mr Richardson:** I do not think it would be fair to say that at every point because there would be some points which I could think of in my own head where he might not do so.

**Senator TROOD:** Earlier this year, I think it was, the Australian government, or perhaps the department—perhaps you would just clarify for me which—hosted a delegation of ambassadors who came to Australia from overseas. Is that right?

**Mr Richardson:** That is right, from the UN in New York.

**Senator TROOD:** So they were from Africa, the Caribbean and the Pacific? Is that generally the geographic area?

**Mr Richardson:** That is right.

**Senator TROOD:** How many people came on that trip?

**Mr Richardson:** I think 20 to 30, but Caroline will know.

**Ms Millar:** There were 21 ambassadors on that trip.

**Senator TROOD:** I see. What did they do while they were here, Ms Millar?

**Ms Millar:** The focus of the visit was climate change and sustainability, and they attended a seminar run by the department of climate change and also the environment area. They had a number of bilateral meetings in the foreign affairs department with their respective geographic areas and made visits to Sydney, Canberra and Hobart, Hobart with a view to sustainable practices. That is basically the outline of their program.

**Senator TROOD:** Do I take it that, because you have these figures so readily at hand, that trip was arranged by your section in the department?

**Ms Millar:** It was funded by the Security Council funding and it was arranged jointly with a number of other areas of not only the Foreign Affairs Department but other departments, such as Climate Change, as I mentioned.

**Senator TROOD:** This was primarily seen as an exercise in relation to the Security Council bid. Is that correct?

**Ms Millar:** Not exclusively. It was a broader exercise in promoting our multilateral credentials with a wide range of states represented in New York—of course, we hoped it would help convince countries of good reasons to vote for Australia.

**Senator TROOD:** So there were presumably discussions about that while they were here.

**Ms Millar:** Not specific discussions. Clearly it came up from time to time, but the major focus was as I described it to you.

**Senator TROOD:** But the individual ambassadors, the 21, met with their geographic heads in the department. Is that right?

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

**Senator TROOD:** Presumably they had an instruction to raise the matter with them?

**Ms Millar:** No.

**Mr Richardson:** No, not necessarily. It varied. For instance, I met with the group. In fact, I hosted a dinner for them and I never once raised our Security Council bid with any of them. Quite obviously, even when you are pursuing a bid, it is not the only interest you have, and when and how you conduct your business is something that you need to work through and do properly.

**Senator TROOD:** I see.

**Mr Richardson:** But there was certainly that visit, and you are right to characterise it as relating to the UN Security Council bid, but it would be wrong to characterise it as simply that. It served a broader purpose than that, but it was certainly one of the purposes.

**Senator TROOD:** How long were the ambassadors here?

**Ms Millar:** The ambassadors were here for about a week. I will just give you the exact dates. It was from 17 to 26 March.

**Senator TROOD:** It is longer than that, isn't it? It is nearly 10 days.

**Ms Millar:** Yes.

**Senator TROOD:** Where did they go while they were here?

**Ms Millar:** They were in primarily Sydney, Canberra and Hobart.

**Senator TROOD:** Hobart?

**Ms Millar:** Hobart.

**Senator TROOD:** It seems odd—I am sure Tasmanian senators are delighted—

**Ms Millar:** I have not got the exact program in front of me, but again it was related to some sustainability projects in Hobart that they went to have a look at. Some of these states were from small states where they are very impacted by climate change, and they went to look at a few specific places in Tasmania, but I can get you those details.

**Senator TROOD:** So did all of the 21 go to each of the venues?

**Ms Millar:** Not always. There were a few that broke off and did separate things, and a few of them came a little bit later than the others and a few left a little bit earlier than the others.

**Senator KROGER:** Do you have that itinerary?

**Ms Millar:** Yes, we do.

**Senator KROGER:** Perhaps you could table the itinerary for the whole program.

**Ms Millar:** Yes, we can get that for you in the course of the day.

**Senator TROOD:** But wherever they went, their costs were picked up by the Australian government or the department?

**Ms Millar:** The visit was under the special visits program, which is a longstanding program of the Australian government and the costs were borne by the department.

**Senator TROOD:** So how much was it part of—

**Mr Richardson:** Was it part of the UN Security Council funding?

**Ms Millar:** It was funded, yes, by the Security Council funding.

**Mr Richardson:** So it did not cost the department additional moneys.

**Ms Millar:** No.

**Mr Richardson:** We funded it within an envelope of moneys we already had.

**Senator TROOD:** You funded it from the allocation that was given to you in 2008-09—

**Mr Richardson:** That is right.

**Senator TROOD:** which clearly has been exhausted, because you have now—

**Mr Richardson:** No, it has not. The allocation goes until 30 June of this year. Anything after 30 June we absorb.

**Senator TROOD:** I see. It has nearly gone.

**Mr Richardson:** When you draw a dollar, whether it is the first dollar you draw or the last dollar you draw, it is still within that envelope.

**Senator TROOD:** So it came from that bucket of money, that allocation?

**Mr Richardson:** It came from within the allocation, yes.

**Senator TROOD:** So how much did we deplete the resources in the allocation by this trip?

**Ms Millar:** I do not have those costs with me.

**Mr Richardson:** We can take that on notice.

**Senator TROOD:** You have got everything else there. You have got the schedule, you know where there people were and you know the dates on which they were here and you have told me that they came and they went to Hobart and Sydney and places, and you have got everything I need, but you do not have the costs here.

**Ms Millar:** We can take them on notice.

**Mr Richardson:** We can take them on notice.

**Senator TROOD:** Please do that. Do you have any sort of notional idea of what sort of figure we are talking about?

**Mr Richardson:** No. We will take it on notice.

**Senator KROGER:** Did the ambassadors come with their partners or any staff?

**Ms Millar:** There may have been one or two who brought a partner. That was not funded by the Australian government, to my knowledge, but primarily they came on their own.

**Senator KROGER:** Thank you.

**Senator TROOD:** Regarding the costs we are putting into this, I know you have some allocations, you have the appropriation and you have another budget measure. Does that, in your view cover the costs we are incurring in relation to the bids?

**Mr Richardson:** It covers the burden of the costs. Clearly, for instance, sometimes I do things in relation to the bid. Obviously that is simply absorbed within what I am paid to do, and there are other people in the department who from time to time would undertake such activities, and you do not cost that time out separately. As you know, we do not have a clock and put a time against specific things we are working on. So yes, there are, if you like, inevitably some costs beyond the specific envelope.

**Senator TROOD:** Perhaps you should do that.

**Mr Richardson:** No, I have no intention of having a clock on my desk and operating like a lawyer.

**Senator TROOD:** I was going to say that it seems to work very well for accountants and lawyers.

**Mr Richardson:** Yes, and I know that.

**Senator CONROY:** It would never work for academics, though.

**Senator TROOD:** It would probably bankrupt the Australian government if you were to do that. The brochure that was prepared in relation to the bid presumably came out of your money, Ms Millar. Is that right?

**Ms Millar:** Yes, it did, and I would be very happy to hand you a copy if you—

**Senator TROOD:** I think I have already received a copy from somewhere or other, but thank you for the offer. How much was it to design, prepare, publish and print the brochure?

**Ms Millar:** We are still getting some final costings on the brochure because it was published in seven languages and the last few languages are just being printed as we speak, so we do not have the final invoices yet for the brochure. We have been rolling it out in a succession of languages over the last few months.

**Senator TROOD:** Has it been a sell-out?

**Ms Millar:** It is not going on the market. It is for distribution, but it seems to have gone down very well.

**Senator TROOD:** What have you done with these brochures?

**Ms Millar:** We have distributed them to all our posts, our ambassadors, multiple copies for them to distribute to their colleagues in host governments and governments of accreditation. We have sent it to our ambassadors in New York and Geneva for them to send out very widely to the UN colleagues there. We have asked our ambassadors also to distribute it to honorary consuls and a range of people with whom they do business. Clearly also in Australia we have given it to government ministers and colleagues from other departments who work with other colleagues overseas, so a fairly wide distribution.

**Senator TROOD:** So everybody who leaves the country should have a couple of these in their briefcase.

**Ms Millar:** As I said, I am very happy to give you—

**Mr Richardson:** It is not part of the smart traveller kit.

**Senator TROOD:** Maybe it should be.

**Mr Richardson:** If the department would like to fund it, we will do it.

**Senator KROGER:** Ms Millar, for such a widely distributed brochure, given that clearly the intent is to have a wide distribution, wouldn't you actually get quotes for the actual costs involved in the production of the document?

**Ms Millar:** Yes, that is absolutely true. We did. We went through the normal process of getting a range of quotes, three quotes, and went with the one that seemed to be the best value for money for what they could offer. It is quite complicated because of the different languages, you would appreciate. It has been funded within our allocation and we are still getting in the final invoices because of some complications in producing particularly the Arabic and the Chinese versions of the brochure.

**Senator KROGER:** But presumably you could give us an indication of those quotes. You could give us an indication of what the estimated costs—

**Ms Millar:** I do not have all those figures with me.

**Mr Richardson:** We would not provide details of quotes anyway. That would not be consistent with tender practice.

**Senator TROOD:** How many have you printed?

**Ms Millar:** We have printed some tens of thousands. I do not have the exact number because we are still, as I said, looking at the final versions in several of the languages, but it is a very significant number of brochures, and we expect we will use them all by the end of the campaign.

**Senator TROOD:** So tens of thousands in total?

**Ms Millar:** In total.

**Senator TROOD:** And are there different proportions in relation to different languages?

**Ms Millar:** That is exactly right. Obviously we have many in English, a lesser number in French and only a relatively small number in Chinese, for example.

**Senator TROOD:** I see. Have the English versions already been distributed?

**Ms Millar:** Yes, indeed. And the French and the other language versions are rolling out now.

**Senator TROOD:** Were they printed in Australia?

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

**Senator TROOD:** I hope you will tell me they were printed in Queensland.

**Ms Millar:** No, I think they were printed here in Canberra, actually.

**Senator TROOD:** That is a disappointment, I have to say. You will get those figures for me on the costs, will you?

**Mr Richardson:** Yes, we will.

**Senator TROOD:** I assume you can break the costs down into design and preparation and printing, et cetera, can you, into the various phases of preparation?

**Ms Millar:** I will have to have a look at that. Certainly I will give some kind of a breakdown and I will see what we can get for you.

**Senator TROOD:** Thank you. Just on this general area of travel, there are rules in place, are there not, about the entitlements to travel, by which I mean the right of officers of the department to travel in a particular class and things of that kind. Is that correct?

**Mr Richardson:** Yes, that is right.

**Senator TROOD:** Can you just tell me generally what those rules are?

**Mr Richardson:** I stand to be corrected. Overseas I believe it is business class.

**Senator TROOD:** So all officers of the department are entitled to travel business class?

**Mr Richardson:** Yes, overseas.

**Senator TROOD:** Overseas, regardless of the distance they are travelling.

**Mr Richardson:** That is right.

**Senator TROOD:** Is that right?

**Mr Richardson:** That is right, yes, from Australia.

**Senator TROOD:** That is good. That presumably includes the newest members of the department. Is that right—the members of the graduate group?

**Mr Richardson:** When they are travelling overseas from Australia.

**Senator TROOD:** So they are regarded as officers of the department for the purposes of this exercise, as they indeed are.

**Mr Richardson:** That is right.

**Senator TROOD:** And they are entitled to benefit from the travel arrangements in relation to business class travel.

**Mr Richardson:** That is right.

**Senator TROOD:** Is it the policy of the department to retain or accept that officers cannot return to Australia or cannot undertake their travel if they cannot get business class travel?

**Mr Richardson:** No.

**Senator TROOD:** In other words, if officers of the department are going somewhere and business class travel is not available, are they entitled to wait until such time as a business class seat is available?

**Mr Richardson:** It would depend upon the circumstances.

**Senator TROOD:** Perhaps you can help me in relation to the graduate group who went to Chile, I think, earlier in the year perhaps.

**Mr Richardson:** Sorry, a graduate group in Chile?

**Senator TROOD:** This may be completely inaccurate, but I am advised that there were some recent members of the graduate program who were visiting Chile. Are you aware of that visit?

**Mr Richardson:** I am not, but I will make an inquiry.

**Senator TROOD:** My understanding—I am advised, and I may have been advised incorrectly—that there were some officers who were in Chile. I understood they were part of the new intake into the department, that they were unable to get business class seats—

**Mr Richardson:** This year?

**Senator TROOD:** I think so.

**Mr Richardson:** It could not have been 2011 because—

**Senator TROOD:** Obviously the new officers only just arrived this year.

**Mr Richardson:** Yes.

**Senator TROOD:** But it may have been a more recent intake. It may have been last year's intake, for example. Perhaps you would look into this. I understood that they were visiting Chile. They were unable to get business class travel back to Australia and as a consequence they decided, or they were instructed, they were allowed to remain until such time as business class travel was available and that was some days later.

**Mr Richardson:** I will make an inquiry, but I am not aware that we provide travel overseas for our graduate trainees as part of their training. Was it the beginning of last year, some time last year, the time of the earthquake in Chile? When was that?

**Senator CONROY:** That was late last year, I think.

**Mr Richardson:** Yes, there was an earthquake in Chile last year. In terms of your question, I will ascertain whether we have had graduate trainees go overseas since the beginning of 2010.

**Senator TROOD:** Thank you. That will be helpful.

**Mr Richardson:** I will just make a general point. I will find out the specific answer to your question. But let me say: if someone was travelling back from Chile to Australia, if they were there because of the earthquake, if they were helping out there and if there was not a business-class seat available, I would not consider it unreasonable for them to wait a day or so to travel back business class, given the distance from Chile.

**Senator TROOD:** All right.

**Mr Richardson:** But I will find out the answer to your question.

**Senator TROOD:** The circumstances may well have been circumstances which made a delay a perfectly justifiable decision.

**Mr Richardson:** Sure.

**Senator TROOD:** I do not know.

**Mr Richardson:** Okay.

**Senator TROOD:** But I have been advised this matter occurred and, of course, what I am concerned about—and as the committee would be—is that this may have added significantly to the costs involved.

**Mr Richardson:** Sure.

**Senator TROOD:** I assume that, if it occurred, there were additional costs involved in accommodation and perhaps other matters in relation to the delay of returning back to Australia.

**Mr Richardson:** Yes.

**Senator TROOD:** And of course that meant they were not back at their posts where—from everything we have heard this morning, you obviously have need for people. In relation

to the foreign minister's travel—and you have made some points about his visit to Papua New Guinea in the next month or so.

**Mr Richardson:** Yes.

**Senator TROOD:** Can you tell me where he has been in South-East Asia?

**Mr Richardson:** Yes. He has been to Thailand, Vietnam, Singapore, Indonesia and then—not in South-East Asia—China, Korea, Japan.

**Senator TROOD:** Can you give me the dates of that travel, please?

**Mr Richardson:** Yes. He was in Thailand 14 to 15 May 2011; in Vietnam 13 April 2011; Singapore, 16 April; Indonesia, 28 to 30 March 2011; and he was also in Indonesia on 9 December 2010. He was in China—

**Senator TROOD:** Let's just focus on South-East Asia.

**Mr Richardson:** All right. Yes.

**Senator TROOD:** Has he ever visited Manila?

**Mr Richardson:** Not since being foreign minister. Not yet.

**Senator TROOD:** What about KL?

**Mr Richardson:** Not yet.

**Senator TROOD:** He has not been there?

**Mr Richardson:** No.

**Senator TROOD:** What about Phnom Penh and places like—in the other parts of Indochina?

**Mr Richardson:** Not yet.

**Senator CONROY:** So you would like him to travel more?

**Senator TROOD:** Can you give the minister—

**Senator FERGUSON:** Are you still asking questions or is—he is still asking questions.

**CHAIR:** Why don't you ask your question, Senator Trood?

**Senator TROOD:** I intend to. In relation to these visits you have advised me of, Secretary, tell me how long was the visit to Vietnam? That was 13 May, I think you said.

**Senator KROGER:** 13 April.

**Senator TROOD:** 13 April, I beg your pardon.

**Mr Richardson:** The visit to what?

**Senator TROOD:** To Vietnam on 13 April.

**Mr Richardson:** Yes.

**Senator TROOD:** Was that part of the visit to Singapore or was that—

**Mr Richardson:** No. On 13 April he was in Ho Chi Minh City on 13 April and then on the same day he went to Hanoi where he met with the President of Vietnam, the Prime Minister of Vietnam and the Foreign Minister of Vietnam. And then on 13 April he travelled on to Berlin.

**Senator TROOD:** I see. So he was there a day.



**Mr Richardson:** That is right.

**Senator TROOD:** I see. And the visit to Thailand on the 14th of—

**Mr Richardson:** Right. The visit—

**Senator TROOD:** That was this month, obviously. Last month, I beg your pardon.

**Mr Richardson:** Yes. The visit to Thailand was 14 to 15 May. He met the foreign minister and they discussed regional security, the East Asia Summit and Burma, and he travelled on to Norway on 15 May.

**Senator TROOD:** So he was essentially there only for a day.

**Mr Richardson:** He was there for a day and a bit.

**Senator TROOD:** I see. And Singapore on 16 April?

**Mr Richardson:** Singapore. That was to visit Prime Minister Somare in hospital, as I previously mentioned, and that was really—I think that was in and out on the same day.

**Senator TROOD:** So he had no engagements with the Singaporean government?

**Mr Richardson:** I will stand to be corrected but I have no information here suggesting that.

**Senator TROOD:** So he dropped in to see Mr Somare—that was good of him—in Singapore and he was on his way to where?

**Mr Richardson:** He was coming back I think, but let me have a look. On 16 April he was coming—he had been in Ho Chi Minh City and Hanoi on 13 April; Berlin on 14 April; the UAE on 15 April, Singapore on the 16th, and then he came back to Australia.

**Senator KROGER:** So, hang on, he came back via the UAE to Singapore? That just does not seem to—

**Mr Richardson:** You can do that. I mean, lots of people—

**Senator KROGER:** But—

**Mr Richardson:** But, Senator, with due respect, a common route from Europe is Europe to UAE to Singapore. That is a very common route. There is nothing unusual about that at all.

**CHAIR:** But this was Hanoi.

**Mr Richardson:** No. If you look at airline schedules, you will see that many people travel that way.

**Senator KROGER:** But he has gone to Vietnam, Berlin, UAE, Singapore. He has really—

**Mr Richardson:** He works hard.

**Senator KROGER:** He works hard.

**Senator CONROY:** Probably our hardest-working foreign minister.

**Senator KROGER:** Extraordinary.

**Senator CONROY:** Pursuing our national interests.

**Mr Richardson:** Senator, if I can just say: why was he in Germany?

**Senator CONROY:** Exactly.

**Mr Richardson:** He was in Germany to attend the NATO-ISAF meeting on Afghanistan. It was a foreign ministers' meeting in respect of Afghanistan. So there are very good reasons why he was in Germany.

**Senator TROOD:** Okay.

**Mr Richardson:** In the UAE he met with the crown prince. In Vietnam he met with the president, the prime minister and the foreign minister, and then he called into Singapore to see Prime Minister Somare who was in hospital. I do not believe anyone could take issue with that travel in terms of Australia's national interests.

**Senator KROGER:** What would be helpful—and I am sure Senator Trood will ask—is if you could provide a breakdown of the countries, the travel times, the dates and who travelled with him to the various locations, so that we have them written before us.

**Mr Richardson:** Now, we have already provided details as to who accompanied him. We have provided that in answer to a question on notice. Senator, just to clarify: you would like the details of his travels since becoming foreign minister; the countries he has visited, the length of time and the major component parts of the visit?

**Senator KROGER:** And the question that is on notice, which I think has been alluded to earlier which arrived this morning, that only goes up to 7 February.

**Mr Richardson:** Yes, and we have undertaken to Senator Ronaldson to bring that up to date.

**Senator KROGER:** Thank you.

**Senator TROOD:** Secretary, you have given me a couple of dates for the visit to Indonesia. So there was a visit in September last year; is that right?

**Mr Richardson:** There was one in late November, early December of last year.

**Senator TROOD:** I beg your pardon. Right.

**Mr Richardson:** And there was one in March of this year.

**Senator TROOD:** Right. And I think you said the March one was the 28th to the 30th; is that right?

**Mr Richardson:** That is right, and that was to co-chair the Bali process, the ministerial conference of the Bali process.

**Senator TROOD:** I see.

**Mr Richardson:** And he also met with the President of Indonesia and the Foreign Minister of Indonesia.

**Senator TROOD:** And the visit late last year?

**Mr Richardson:** He was in Bali on 9 December last year to attend the Bali Democracy Forum, where he again met with the President of Indonesia and the Foreign Minister of Indonesia.

**Senator TROOD:** I see. Then these are all the South-East Asian visits since he became foreign minister; is that right?

**Mr Richardson:** Yes. It of course excludes telephone discussions that he has with his counterparts and the like.

**Senator TROOD:** All right.

**Mr Richardson:** So, yes.

**Senator TROOD:** So but as you—

**Mr Richardson:** Being physically on the ground in Indonesia he has made those two visits.

**Senator TROOD:** He is a busy foreign minister. You have made that point.

**Mr Richardson:** Yes.

**Senator CONROY:** Hardworking.

**Senator TROOD:** And thank you for that contribution. It is the most sensible one you have made this morning, Minister.

**Senator CONROY:** Senator Trood, you used to be such a polite person.

**Senator FERGUSON:** You never were.

**Senator CONROY:** No, I never pretended it, Senator Ferguson.

**Senator TROOD:** There are 10 members of ASEAN, aren't there?

**Mr Richardson:** Yes.

**Senator TROOD:** On your account, since he became foreign minister he has only visited three substantively. Can I take Singapore out because he visited Mr Somare in hospital.

**Mr Richardson:** Yes.

**Senator TROOD:** And you tell me that he had no contact with the Singaporean government.

**Mr Richardson:** That is right. I do not have a record of it. He obviously would have been met at the airport and that but I do not have a record of any substantive contact, so Vietnam, Indonesia and Thailand are the three countries.

**Senator TROOD:** So three. And he met the Foreign Minister of Thailand; is that right? You told me?

**Mr Richardson:** That is right.

**Senator TROOD:** Right. Why did he not meet anybody else in Thailand?

**Mr Richardson:** I stand to be corrected but at that time I think something was happening in Thailand, because he had to curtail—there was something happening. He was there on a weekend and the Prime Minister was unavailable.

**Senator TROOD:** He was there on a weekend?

**Mr Richardson:** Yes.

**Senator TROOD:** How many prime ministers generally make themselves available for weekends?

**Mr Richardson:** Some do. It happens from time to time.

**Senator TROOD:** I know, but it was not the most convenient time to be there, was it?

**Mr Richardson:** He was there at a time that fitted in with the travel program.

**Senator TROOD:** Yes. That is precisely right. It fitted in with the travel program because he was on his way to somewhere else—I think you said Norway, didn't you?

**Mr Richardson:** Yes. He had substantive discussions with his foreign minister counterpart.

**Senator TROOD:** Right.

**Mr Richardson:** You should not assume that each time a foreign minister visits a country he or she will automatically see their head of state or the head of government.

**Senator TROOD:** I do not assume that but I do think it is a reasonable conclusion to draw from these travel arrangements that Mr Rudd has spent a lot of time in different parts of the world. You gave us an account of how much time he spent in the Middle East, four or five visits to the UAE—and I am not suggesting that they were not substantive visits and or that he was not there for a useful purpose, although some of those—

**Senator KROGER:** The UN Security Council.

**Senator TROOD:** Some of that might be questionable. But in our near region he has made three visits to countries since he became foreign minister.

**Senator CONROY:** We have a parliamentary secretary and I have detailed at length his visits to our region.

**Senator TROOD:** For God's sake.

**Senator CONROY:** Detailed at length. Would you like me to read them to you again?

**Senator TROOD:** I do not wish you to read me anything. What I would like you to do is just keep quiet.

**Senator CONROY:** That is just tough.

**Senator TROOD:** Just keep quiet.

**Senator CONROY:** I am entitled to answer a question.

**Senator TROOD:** Chair, would you just direct him to keep quiet?

**CHAIR:** No.

**Senator CONROY:** All questions are through the minister and I am entitled to add to or supplement any answer at the table. You have been here six years. It might seem like a blink of the eye; it might seem like you are leaving soon and therefore you want to make a new point of not understanding the rules, but those are rules you have operated under and the parliament will continue to operate under them long after you and I are gone.

**Senator TROOD:** If you wish to make contributions, I wish you would make them more judiciously and thoughtfully or make a—

**CHAIR:** Senator Trood.

**Senator TROOD:** Or make a useful contribution to the discussion.

**CHAIR:** Senator Trood, you have taken a point of—no, listen.

**Senator TROOD:** He has been interrupting all morning.

**CHAIR:** Listen. Senator Trood, stop interrupting me. You have taken a point of order. You have asked me to rule. Your point of order was that the minister was intervening in response to your questions. The minister in response has said quite clearly that he is entitled to take any question and answer any question. As a matter of fact and as a matter of interpretation of the standing orders, that is entirely correct. Now, if the minister chooses to

answer every and all question on any topic put by any opposition senator, that is within his rights. That is my ruling.

**Senator TROOD:** It would be helpful if he made an intelligent contribution.

**Senator CONROY:** You have a day and a half left to make an effort.

**Senator TROOD:** Secretary, we were talking about Thailand. It was a weekend visit; is that right?

**Mr Richardson:** That is right.

**Senator TROOD:** Was it a Saturday or a Sunday?

**Senator CONROY:** Yes, they come between Fridays and Mondays; then weekends then Mondays.

**Mr Richardson:** Arrived on Saturday the 14th and carried over to Sunday the 15th, Senator.

**Senator TROOD:** Do the Thais do much business on Saturdays?

**Mr Richardson:** They will, yes.

**Senator TROOD:** All right.

**Mr Richardson:** In special circumstances.

**Senator TROOD:** South-East Asia is our near region, Secretary. There are 10 members of ASEAN, Association of South East Asian Nations. Mr Rudd, on your account, from the time he became foreign minister has visited only three of those countries for bilateral engagement; is that correct? That is an accurate summary of the situation?

**Mr Richardson:** It is. Factually, he has visited on the ground in Vietnam, Thailand—and Indonesia on two occasions—and you mentioned Singapore.

**Senator TROOD:** Why has he spent so little time in the region—

**Senator CONROY:** Now you are asking an opinion and you know you are not allowed to.

**Senator TROOD:** Why has he spent so little time in—

**Senator CONROY:** That is an opinion.

**Senator TROOD:** It is not an opinion.

**Senator CONROY:** You are asking an opinion of the officer at the table.

**Senator TROOD:** I am seeking an explanation as to why he has spent—has there been some operational reason for him from doing it? Has there been a decision that he should not spend time there? Has there been a decision in the department that his time is better spent elsewhere? Why has he spent so little time in South-East Asia, which is our immediate region?

**Senator CONROY:** That is your opinion and you are asking an opinion.

**Senator TROOD:** That is not an opinion. The secretary has told us that since the foreign minister became the foreign minister he has visited only three of the 10 countries of ASEAN.

**Senator CONROY:** And now you are asking him to give you an explanation of why the minister has not visited the others, to which my response is: that is asking for an opinion. You are entitled to ask factual questions.

**Senator KROGER:** Minister, we are trying to ascertain if there has been a strategic change to foreign policy approach.

**Senator TROOD:** I am trying to determine whether or not the minister has made a conscious decision, as Senator Kroger has rightly said.

**Senator CONROY:** I will take that on notice, as I am entitled to do under the standing orders, and seek an answer from Mr Rudd. I have taken it on notice.

**Senator TROOD:** Perhaps you would do that. But, on the face of it, it looks to me as though he has neglected our near region.

**Senator CONROY:** That is your opinion. It is wrong; but that is your opinion and you are entitled to it.

**Senator KROGER:** Minister, we would like to know whether there has been a strategic decision made in relation to our nation's approach to foreign policy in our region in relation to the other parts of the globe. His travel arrangements indicate that that may be the case and the question goes to what our strategic approach is as it currently stands by the foreign minister.

**Senator TROOD:** I would have thought the secretary could answer that question.

**CHAIR:** Order. The question has been asked by Senator Kroger. Does the secretary wish to respond?

**Mr Richardson:** The question being—

**CHAIR:** Is there a strategic purpose to our engagement with parts of the world?

**Senator CONROY:** Is there a change?

**Mr Richardson:** No, there is no change.

**Senator TROOD:** Right. So the policy settings, Secretary, remain in place?

**Mr Richardson:** Yes.

**Senator TROOD:** And so Mr Rudd has spent time in other parts of the world, as you pointed out this morning—Saudi, Palestine, UAE, et cetera, Germany, Norway, Liechtenstein, et cetera—and in some cases, he has been to these places on several occasions, but he has not been able to find time to visit all of the members of ASEAN. He has visited only three.

**Mr Richardson:** Could I add—because I think it is important—that, for instance, you mentioned that he had visited Germany. The visit that I mentioned to Germany in April was to attend the NATO-ISAF meeting on Afghanistan, so it was an Afghanistan meeting that he attended. There have been big changes, as you know, in the Middle East—big changes—and that certainly accounts for some of the minister's travel into the Middle East. Those changes have a bearing on the Middle East peace process, on Israel and on our interests in the region. The UAE, being part of the gulf, are an important economic and investment partner, and the visits have reflected that.

**Senator CONROY:** Could I add to that a recent speech by Mr Hockey, who went to the UAE in April, and this is what he had to say:

I have come here to the United Arab Emirates not in search of going somewhere else but in search of understanding this country with all of its diversity, its incredible wealth and its determination to set its own agenda. So it is a Sydney-Dubai-Sydney trip and that alone. I am not going anywhere else.

**Senator TROOD:** How does that help our discussions?

**Senator CONROY:** Because you seem to be very focused on Mr Rudd's travel to the UAE.

**Senator KROGER:** He is the foreign minister.

**Senator CONROY:** But perhaps you would like Mr Hockey to explain why it is okay for Mr Hockey to state—quite correctly—that he was going Sydney-Dubai-Sydney for a purpose of being in Dubai alone.

**Senator TROOD:** Mr Hockey can account for his own travel. I am not particularly interested—

**Senator CONROY:** I appreciate you want to cut him loose. Quite a few of you are trying to do that at the moment. But this is very relevant to your continued focus and implied criticism of Mr Rudd's attendance and going to the UAE.

**Senator KROGER:** There is absolutely no relevance in Mr Hockey's travel to the UAE compared to Mr Rudd's focus on his United Nations bid. There is no relevance whatsoever.

**Senator CONROY:** That is your opinion. I disagree.

**Senator KROGER:** You are really trying to draw a long bow there, Minister.

**Senator CONROY:** You are just—

**Senator KROGER:** That is a seriously long bow.

**Senator CONROY:** You are choosing to ignore your own words from your own shadow Treasurer.

**Senator TROOD:** Secretary, Mr Rudd has not been to Kuala Lumpur to discuss the Malaysian asylum seeker matter, or been there—do you know when he was last in Kuala Lumpur?

**Mr Richardson:** No, I do not. I would need to take that on notice.

**Senator TROOD:** He has not been to Manila as foreign minister?

**Mr Richardson:** No, that is right.

**Senator TROOD:** He has not been to Singapore as foreign minister, beyond visiting Mr Somare in his hotel room—or at his hospital bed. He has visited Vietnam but not the other countries of Indochina; is that correct? And he has not visited Burma, clearly, and there may well be good reasons for doing that. But all of the other countries of South-East Asia are countries with which we enjoy very close and cordial relations. They are part of our neighbourhood. They are countries with which we share many close interests. In particular, we have some very direct concerns with regard to the refugee policy and Kuala Lumpur, about which we will no doubt talk later on. And yet, all of these things considered, the trade relationship that exists between our countries, the common political interests we share; all of that kind of substance that exists in the bilateral relationship, and yet he seems not to have taken any interest in that area.

**Senator CONROY:** And do you have a question?

**Mr Richardson:** I do not think it would be fair to say that he has not taken an interest in these matters. He takes a very close interest in them and is engaged with the department the whole time in respect of South-East Asia. I was asked by Senator Ronaldson about his travel next week: it is to the Asia-Europe Meeting, which we became a member of a couple of years

ago. It is in Budapest, and he will be meeting with a number of his South-East Asian counterparts. The second half of the year is always quite a heavy schedule of meetings relating to the region. We will have the post ASEAN Forum, we will have the EIS—foreign ministers and the like. That will all kick in come July. But I have given you the factual information in relation to visits so far undertaken. Senator Kroger has asked for the details and we have undertaken to provide them to you factually.

**Senator KROGER:** Are there any plans afoot for him to have discussions with any counterparts in Malaysia in relation to the regional cooperation framework?

**Mr Richardson:** The negotiations with Malaysia are being led by the Minister for Immigration, Mr Bowen. Our Ambassador for People Smuggling Issues is of course involved, but the minister himself has not yet been to Kuala Lumpur.

**Senator KROGER:** Look, I appreciate that the others are involved in the negotiations. I would have thought that it was something that the foreign minister would be involved in with his counterparts in relation to how it affects broader relations between the two countries.

**Mr Richardson:** He was. He was involved when he co-chaired the Bali process. That was very much about the regional framework. Mr Rudd co-chaired the Bali process meeting in Bali, and I think he had quite a few discussions with his regional counterparts while he was there for that meeting.

**Senator KROGER:** Chair, I have a few questions on this but, given the time, I am happy to come back after lunch.

**CHAIR:** Afterwards. I think it would be an appropriate time to break now.

**Proceedings suspended from 12:29 to 13:30**

**CHAIR:** The committee will come to order. We will continue our consideration of budget estimates for the Department of Foreign Affairs and Trade.

**Senator KROGER:** I think before we broke for lunch we were discussing the fourth Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime that was held on 29 and 30 March. You mentioned that Foreign Minister Rudd is the co-chair of it. How is the program determined for that conference? What is the process?

**Mr Richardson:** The agenda was determined in consultation between the two co-chairs, which were the Indonesian foreign minister and the Australian Foreign Minister. There were consultations in the normal way leading up to that meeting.

**Senator KROGER:** I think it surprised many of us that the agenda did not include any discussion on the East Timor solution, given that it had been flagged by the Prime Minister for some time. Why was that not included on the agenda?

**Mr Richardson:** The focus was more regional in scope and the discussions with East Timor were bilateral. I stand to be corrected, but I think from memory there might have been some bilateral discussions in the margins of the Bali meeting. But the whole purpose of the Bali meeting was regional rather than country specific, which is more bilateral.

**Senator KROGER:** Sure. I appreciate that, but I am still somewhat puzzled by it because there was a lot of commentary, if you like, I think including from the Prime Minister herself in the lead-up to it. It was a proposal that would be put to the Bali conference, seeking the



consideration and support of those in the region. I do not have the documents in front of me, but my understanding was that that was the continuing consideration of an East Timor solution. And the way in which it was to be pursued was on the basis that it was being shelved until those discussions came to a conclusion—until this conference—so it could be discussed at this conference.

**Mr Richardson:** There were certainly comments which link the two—again, I stand to be corrected—but I am not aware of any comments from the government which stated quite directly that East Timor was going to feed into and specifically be part of the discussion at Bali. I think Bali was always designed to be more regional in scope.

**Senator KROGER:** Perhaps the minister would like to respond further and give us his sage advice, because it certainly was presented as the forum in which this would be further explored. The government certainly indicated that that was the case. I understand the foundation and the purpose of setting up the Bali process, but it was the government itself that was suggesting that consideration of it would be raised, discussed and, hopefully, supported during that conference. Minister, do you have anything further to add?

**Senator Conroy:** That is an excellent question. I am happy to take it on notice and see what the minister would like to add.

**Senator KROGER:** Thank you. I look forward to it with bated breath, although I will not hold my breath.

**Senator Conroy:** Do not hold it: I would hate to see you go blue or bluer.

**Senator KROGER:** I will leave that where it deserves to stay—I will not go there. Could you give us advice as to whether the regional cooperation framework was considered in any shape or form at that conference?

**Mr Richardson:** Yes, it was. That was reflected in what was released at the end of it. There was a co-chair statement issued at the end of it. It is 4½ pages long—it can be tabled, if you wish.

**Senator KROGER:** With the committee's support, it would be good if we could have it tabled. But would you mind giving us the essence of it?

**CHAIR:** Which document do you propose to table?

**Mr Richardson:** It is the co-chair's statement at the fourth Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime held in Indonesia on 29-30 March 2011.

**CHAIR:** There being no objection, it is tabled.

**Senator KROGER:** Could you give us a quick summation of the essence of it?

**Mr Richardson:** It mentions those who attended, which were countries not only from within the region but also from further afield, and the Office of the High Commissioner for Refugees and the Director-General of the International Organisation for Migration. It refers to the observers sent from countries such as Canada, Italy, the Netherlands, Russia, US, Spain, and from the International Federation of the Red Cross, the Red Crescent societies and the like. It talks about the importance of combating people smuggling and trafficking in persons and agrees on the need for enhancing and implementing strong national legislation to criminalise these activities and confiscate the proceeds of crime derived from that activity. It

notes the large number of irregular migrants moving through the region and expresses concern about the risks to the lives and human rights of those being smuggled and trafficked. It talks about law enforcement initiatives and it talks about the root causes of movements within the region relating to poverty, economic disparities, insecurity and conflict.

**Senator KROGER:** So people smuggling was a reasonably significant slice of that agenda?

**Mr Richardson:** People smuggling and trafficking in people were the two big focus points of the meeting. It reviewed progress since the third meeting and it made some recommendations on future activities.

**Senator KROGER:** Is there any direct minuting of discussion on a regional cooperation framework?

**Mr Richardson:** Well, the whole thing is all about a regional cooperation framework.

**Senator KROGER:** Is it not specifically a Malaysian regional framework?

**Mr Richardson:** No. I do not believe there was ever an objective of having a specific reference to what has transpired with Malaysia. Nor do I believe was there any objective of having a specific reference to East Timor.

**Senator KROGER:** So there was no specific reference to exploring consideration of Manus Island in PNG?

**Mr Richardson:** No. Nor do I believe was it ever intended.

**Senator KROGER:** Or Nauru?

**Mr Richardson:** No.

**Senator KROGER:** Thank you very much. I would be interested to see that document.

I want to go back to a couple of issues we were covering before and, in particular, PNG and Senator Trood's questions in relation to PNG. Are you aware of the 27th Australia-Papua New Guinea Business Forum?

**Mr Richardson:** I am not aware in detail, but, yes, we will be able to take questions on that.

**Senator KROGER:** Are you aware of the existence of such a body?

**Mr Richardson:** I am aware of its existence, yes.

**Senator KROGER:** Are you aware that there was a meeting in Papua New Guinea on 15 to 17 May?

**Mr Richardson:** I am not aware myself, but Jennifer Rawson, I am sure, can help on that.

**Senator KROGER:** Ms Rawson, what do you know about it?

**Ms Rawson:** Yes. There was a meeting of the business councils in Madang on the dates you have mentioned.

**Senator KROGER:** Was it attended by ministers from PNG?

**Ms Rawson:** Yes. It was.

**Senator KROGER:** And who were those ministers?

**Ms Rawson:** I am sorry, but I do not have a full list. I know that the foreign minister, Mr Polye, was there, but I would have to take on notice all the ministers who were up there. I do not have a full list.

**Senator KROGER:** Sure. Did we have any ministers representing Australia?

**Ms Rawson:** No. There was no ministerial representation from Australia. The Australian High Commissioner went there from Port Moresby and represented the Australian government.

**Senator KROGER:** I understand that 350 people attended that conference, but you are saying there was no ministerial representation from Australia. I wonder why neither the foreign minister nor the parliamentary secretary, about whom we talked this morning, did not represent us there when there was a significant ministerial representation by PNG?

**Ms Rawson:** With regard to the parliamentary secretary, he had a commitment to attend the Pacific Islands Forum Trade Ministers' Meeting that was taking place in Tonga on 18 and 19 May. I am also aware that the parliamentary secretary looked at the possibility of trying to accommodate both those meetings. It did not prove possible in terms of travel timing.

**Senator KROGER:** I find that very curious. Who books travel for the foreign minister and the parliamentary secretary? Is it the department? Is it the foreign minister's office? Who is responsible for travel bookings?

**Mr Richardson:** His office.

**Senator KROGER:** The officers make the bookings. So we have a foreign minister who, as we heard before lunch, manages Vietnam on the 13th and goes straight to Berlin on the 14th. It is Ho Chi Minh, Hanoi, then Berlin, and back to the UAE and Singapore all in four days, or just under five days, and yet we are not able to organise a joint visit in the same region—not at opposite ends of the earth—that could be back to back?

**Senator Conroy:** Are you applying for the job as Mr Rudd's travel adviser?

**Senator KROGER:** I am just curious. I find it extraordinary that we can organise travel on a very tight time frame, travelling around more than one region and yet we do not seem to be able to coordinate visits to two significant events in the region. There were 350 people who attended the PNG-Australia business forum. It was well-represented by PNG. I am just wondering what message it sends that nation if we are unable to send any senior ministerial representation from Australia?

**Senator Conroy:** I do not consider Parliamentary Secretary Marles to be an insignificant figure.

**Senator KROGER:** I did not suggest he was. I said that it was—

**Senator Conroy:** So you continually attempt to denigrate the important role he is playing by dismissing him as irrelevant or not senior enough for you by your standards. That just speaks volumes for the opposition.

**Senator KROGER:** Minister, I was actually suggesting that he should have been there. If he was able to get to Tonga on the 18th and 19th, why was he not able to coordinate a visit to PNG, in the same region? He could have done one or two days—he did not have to stay for the three days—that were between the 15th and the 17<sup>th</sup>.

**Senator Conroy:** I am prepared to put out a press release saying the opposition demands that Mr Rudd travels to more places. I will happily put out that press release for you.

**Senator KROGER:** The question is in relation to what our strategic interests are and where our priorities lie. In our own region, when there is a serious business forum in PNG, we do not seek to send a minister. I find that extraordinary.

**Mr Richardson:** I will add something. First of all, I will correct something I said before. I said the minister's office books his travel. It is the Parliamentary Travel Service that actually does the booking. I will just be corrected on that. In terms of Papua New Guinea and the Pacific, the Pacific is the only part of the world in which the Australian government has nominated a specific parliamentary secretary. There is a foreign minister and a trade minister and two parliamentary secretaries. The fact that one of them is specifically devoted to the Pacific simply highlights the priority which the government gives to the Pacific. If you look at the allocation of aid moneys and if you look at what the government does overall in respect of the Pacific and in respect of Papua New Guinea, I do not think there is any question on priorities. That does not mean that for every single meeting for every single purpose there will necessarily be ministerial representation. But if you look at the government's efforts overall, there is no question about the importance we attach to Papua New Guinea and to the Pacific.

**Senator KROGER:** On that point, then, I will move on because I think the point has been made.

**Senator Conroy:** You think Mr Rudd should travel more often?

**Senator KROGER:** I think it demonstrates where this government is focussed when there are two back-to-back events in the same region, both very important, but we do not seem to be able to coordinate a travel itinerary for the government to have proper representation. So I think it does actually demonstrate where the strategy of the government is.

**Senator Conroy:** I reject utterly your assertion that the government was not properly represented there. Parliamentary Secretary Marles is doing an excellent job of coordinating in his portfolio responsibility area. For you to denigrate again and dismiss the role he plays speaks more for the opposition than it does for the government.

**Senator KROGER:** You are clearly not listening. The parliamentary secretary did not attend the forum. That is the question, not the fact that he attended and the not foreign minister. He actually did not turn up to it. He was nearby in Tonga only a couple of days later. So you are actually not listening to the question. You have seriously got it wrong.

**Senator TROOD:** The point, Minister, is that we regard Mr Marles as being a perfectly appropriate representative of the Australian government and he failed to turn up.

**Ms Rawson:** Senator Kroger, I will expand. When I said he went to Tonga, you may have understood that he went to the capital of Tonga, Nuku'Alofa, for the trade ministers' meeting. Having served in Tonga, getting there directly is relatively simple but it is not as straightforward as you might think.

**Senator Conroy:** We will get you a globe.

**Ms Rawson:** In fact the trade ministers' meeting was held in Vava'u in the northern islands. So the travel to get to the forum trade ministers' meeting was actually more difficult than—

**Senator Conroy:** Let us be clear. For a meeting on Wednesday, the 18th, the parliamentary secretary had to leave on Monday, the 16th in the morning, flying Virgin and then Chathams Pacific. It is not quite as you are trying to portray it.

**Senator KROGER:** Well, Minister—

**Senator Conroy:** Hopefully we can one day send you on the same trip and you can see for yourself how onerous the actual travel time involved is. It is nowhere near as simplistic as you are trying to make out at the table.

**Senator KROGER:** Minister, I think it is extraordinary that these two could not have been coordinated, and that if the parliamentary secretary could not be in attendance, that the foreign minister could not. Where was the foreign minister between 15 and 17 May? Was he in Australia? He was probably in the UAE.

**Senator Conroy:** With Mr Hockey.

**Mr Richardson:** On 14 and 15 May, he was in Thailand, as I have previously advised. He then went to Helsinki for a meeting of the UN Secretary-General's High-Level Panel on Global Sustainability, of which he is a member. Then he travelled to Stockholm and to China.

**Senator KROGER:** Thank you. This question is on the same region. Early in May—in fact, it was in the first week of May—I understand there were discussions held in PNG in relation to Manus Island. Is that correct?

**Mr Richardson:** Certainly discussions were going on around that time. I have not got a precise memory in terms of when the meetings were held, but, yes.

**Senator KROGER:** And I understand Mr Marles was there at that time. Is that correct?

**Mr Richardson:** He was certainly the person who was leading our discussions with Papua New Guinea.

**Senator KROGER:** Was there any discussion about the fact that the PNG foreign minister thought it was something that his counterpart in Australia should have been involved in, given the significant implications for PNG?

**Mr Richardson:** I am not aware of that, but I can take that on notice.

**Senator KROGER:** I would appreciate it if you would. In conclusion: has the Foreign Minister been involved himself personally, directly—even if it is just picking up that phone—with his counterpart in PNG to discuss Manus Island?

**Mr Richardson:** He has been involved with PNG on the matter.

**Senator KROGER:** Has he made arrangements to visit PNG to explore this further?

**Mr Richardson:** Not at this point but, as I said before lunch, he does intend to visit PNG over the next little while.

**Senator KROGER:** Would that visit be for the ministerial forum which is scheduled each July?

**Mr Richardson:** His longer term travel plans at this stage, which are not yet finalised, accommodate that.

**Senator KROGER:** Are you aware whether the ministerial forum has been set for July?

**Mr Richardson:** Yes.

**Senator KROGER:** Clearly, I am speaking about the Australia-PNG Ministerial Forum.

**Mr Richardson:** No. There is not yet a specific time for that meeting. We are scheduled to host it, but we do not yet have precise timings.

**Senator KROGER:** So when you say host it, will it be held in Canberra? Is that what you mean?

**Mr Richardson:** No. In Australia.

**Senator KROGER:** We do not have a time for that?

**Mr Richardson:** Not yet.

**Senator KROGER:** But one would reasonably presume that Manus Island would be on the agenda for discussion at that forum?

**Mr Richardson:** Not necessarily. Discussions on a matter like that normally take place in a bilateral context, not necessarily in a multilateral context. So you could take advantage of the meeting to do it, but whether you actually had a discussion in the meeting per se is another matter.

**Senator KROGER:** I just find it extraordinary that the Foreign Minister clearly has not been involved in much discussion, deliberations or thinking about Manus Island as the government's answer to border protection.

**Senator RONALDSON:** This follows on from what Senator Kroger has been talking about. I was very fortunate to be given a speech by my colleague, the member for Kooyong, Josh Frydenberg. I do not know whether this has been referred to recently? Obviously not.

**Senator Conroy:** You must have been bad in your past life.

**Senator RONALDSON:** It relates to a grievance debate on the South Pacific. This is a very bright young man with a very bright future. I think probably that being quoted in *Hansard* in the Senate will be the pinnacle of his career to date.

**Mr Richardson:** I went to his wedding, so I would agree with you.

**Senator RONALDSON:** Thank you. I want to highlight a couple of things that were raised in this speech. I was unaware, for example, that Hillary Clinton had visited PNG last year. Have you got any knowledge of that, Mr Richardson?

**Mr Richardson:** I think she visited briefly just after or just before AUSMIN, which was being held in Melbourne, I think in August last year.

**Senator RONALDSON:** She then went to PNG. Is that your understanding?

**Mr Richardson:** Either before or after. I just forget now.

**Senator RONALDSON:** Have you got any reason to query Mr Frydenberg's comments that she held special meetings with Pacific—I am reading from the speech— island leaders on the margins of the UN General Assembly?

**Senator Conroy:** You are taking a backbench opposition person's comments in *Hansard* as a source document?

**Senator RONALDSON:** I have just said to you that I am reading from Mr Frydenberg's speech. I have just asked Mr Richardson whether he has reason to disbelieve the matters that have been raised. Before I am interrupted again, let me say that Mr Frydenberg said she:

... held special meetings with Pacific island leaders on the margins of the UN General Assembly, and America's Assistant Secretary of State for East Asian and Pacific Affairs, Kurt Campbell, reiterated before Congress the Obama administration's interest in the South Pacific and called for an 'enhanced engagement' with the region and a 'stepping up' of their commitment.

I do not expect you to know what was said in that speech, but you confirm it is your understanding that Ms Clinton had been to PNG?

**Mr Richardson:** I can do no more than to confirm that she was in Papua New Guinea. I am not in a position to confirm or otherwise Mr Frydenberg's characterisation of the discussions.

**Senator RONALDSON:** I understand that. Mr Richardson, am I correct that the other candidates—

**Mr Richardson:** Sorry, Senator. AUSMIN was in November last year. Sorry about that.

**Senator RONALDSON:** So it is even more recent. That would be since the Australian foreign minister has been foreign minister, would it not, of course?

**Mr Richardson:** Yes. He was foreign minister.

**Senator RONALDSON:** Candidates for a temporary seat for 2013-14 obviously include us. Is Finland one of the other candidates?

**Mr Richardson:** Yes. Finland and—

**Senator RONALDSON:** And Luxembourg?

**Mr Richardson:** And Luxembourg; that is right.

**Senator RONALDSON:** Are you aware, Mr Richardson, of something that is called the Melanesian Spearhead Group summit?

**Mr Richardson:** Yes. I am aware of that meeting.

**Senator RONALDSON:** Was Australia invited to it?

**Ms Rawson:** No. Australia is not a member or an observer of the Melanesian Spearhead Group.

**Senator RONALDSON:** Ms Rawson, you obviously know a bit about this. Are you aware of which leaders of which countries were invited by the Fiji Prime Minister to attend that group?

**Ms Rawson:** The communique of the Melanesian Spearhead Group lists those members of the group who attended it. It also refers to welcoming East Timor and the Republic of Indonesia as observers to the meeting. It also refers to welcoming Luxembourg as a special guest of the leaders summit. It does not refer to who attended from Luxembourg, but I understand that—

**Senator RONALDSON:** If I told you that Papua New Guinea, the Solomons, Vanuatu and New Caledonia and, as you said, Indonesia and East Timor were represented, and there was no invitation extended to Australia but Luxembourg was asked by the Prime Minister of Fiji to come to Suva for this group—

**Mr Richardson:** And there is a reason for that.

**Senator RONALDSON:** Sorry, Mr Richardson. We will all get a chance.

**Senator Conroy:** Are you giving a speech or asking a question? Are you going to come to a question?

**Senator RONALDSON:** I will get to the question when I am ready to get to the question. I am giving some background at the moment, which you might want to listen to. Then I am sure you will find the question of some interest.

**Senator Conroy:** No.

**Senator RONALDSON:** Is this or is this not, Ms Rawson or Mr Richardson, an absolute diplomatic slap in the face for Australia? Luxembourg, one of the competitors for this much sought-after temporary seat on the UN, has been invited to a group in Suva along with Papua New Guinea, the Solomons, Vanuatu, New Caledonia and representatives of Indonesia and East Timor, and Australia was not.

**Mr Richardson:** Senator, as you know, we have in Fiji a government which overthrew a democratically elected government. We would expect that the government in Fiji regularly engages in conduct which might be designed to tweak our tail. It does not worry me at all that Fiji saw fit to invite Luxembourg and not us. We will stand on our own record in the South Pacific. Over 50 per cent of all aid in the South Pacific is provided by the Australian government. The military coup that led to the overthrow of a democratic government in Fiji is something we are not impressed with.

**Senator RONALDSON:** Surely, Mr Richardson, we would be looking to our neighbours for support in relation to this bid, would we not?

**Mr Richardson:** Absolutely. We have a good record there.

**Senator RONALDSON:** What message do you think it sends to our near neighbours when one of our competitors from the other side of the world is invited to the Melanesian Spearhead Group summit when Australia is not? What message do you think it sends to those countries?

**Mr Richardson:** It sends a very clear message about the government of Fiji—

**Senator RONALDSON:** You are right.

**Mr Richardson:** rather than about the government of Australia.

**Senator RONALDSON:** Do you think they would have turned up if they were so concerned about the bona fides of the government of Fiji in relation to this matter?

**Mr Richardson:** If Luxembourg chooses to attend a meeting in Fiji then that is Luxembourg's business. We are not embarrassed by that.

**Senator RONALDSON:** Are you suggesting that Luxembourg should not have been there?

**Mr Richardson:** I am not suggesting anything. I will just leave my statement as it was.

**Senator RONALDSON:** I do not think you can actually just leave it.

**Mr Richardson:** That is precisely what I am doing.

**Senator RONALDSON:** I think that was a reflection on Luxembourg. Why would you make that comment otherwise?

**Senator Conroy:** I think the officer is indicating his answer—



**Senator RONALDSON:** No. You just sit there at the moment. I am having a discussion with Mr Richardson.

**Senator Conroy:** The minister gets to intervene where he wants.

**Senator RONALDSON:** You cannot start eating the cake when you are dishing out the plates, Mr Richardson.

**Mr Richardson:** I have made my comment. I am under no obligation to add to it, and I do not intend to.

**Senator RONALDSON:** Is that because you are embarrassed about what you said?

**Mr Richardson:** No, because I am happy to let it stand as it is.

**Senator RONALDSON:** I bet you are.

**Mr Richardson:** And I am not prepared to have you put words into my mouth.

**Senator Conroy:** And that is the second time you have cast aspersions on the officer at the table, Senator Ronaldson.

**Senator RONALDSON:** You are the one who made the comment, not me.

**Mr Richardson:** That is right, and I am happy to stand by it.

**Senator RONALDSON:** You are the one who made the comment, not me.

**Senator Conroy:** That is beneath you, Senator Ronaldson.

**Senator RONALDSON:** Have a look at the *Hansard*.

**Senator Conroy:** That is the second time you have cast aspersions on the officer.

**Senator RONALDSON:** Have a look at the *Hansard* and see who made the comment.

**Mr Richardson:** Senator, I am happy for that comment to stand, and I am under no obligation to add to it.

**Senator RONALDSON:** I asked you the question. Are you not wanting to answer any further? Is that what you are saying?

**Mr Richardson:** I am not prepared to add to it.

**Senator RONALDSON:** I am not surprised. The point has been well made. Thank you, Chair.

**Senator TROOD:** I would like to return to the budget papers in relation to the matter of the Baghdad embassy, for which there are several appropriations. As I understand it, there is an appropriation of \$13.4 million for this year in relation to the final transition. That is security. I think I am right in saying that there are two further appropriations of \$23.8 million and \$28 million. The \$23 million was from last year—I beg your pardon—and the \$28 million is for this year. So from last year and this year there is an appropriation of \$51 million and, on top of the \$28 million for this year, another \$13.4 million.

**Mr Richardson:** In the 2010-11 budget, we were provided with \$52 million over two years. In the 2011-12 budget, we were provided with \$16.5 million for one year to meet the transfer of final security capability from the ADF to DFAT.

**Senator TROOD:** We are looking at something in the vicinity of \$66 million or thereabouts. I understand a contract has been awarded by the department for the provision of security once the transition takes place from the ADF. That contract is in the vicinity of \$32

million. It has yet to begin, as I understand it. I am not clear what the difference is between the \$32 million and the \$60-odd million.

**Ms Thorpe:** Firstly, with the \$32 million you are citing, I think you have got that from the AusTender site. That was the initial contract. We will now be negotiating with the company in terms of the additional services that we will be seeking. Secondly, included in that total figure you are citing is some capital investment type figures, where we are looking at improving Carl Hall, the perimeter wall for the embassy and that sort of thing. Also included in that figure is the staffing. So it is not just the contract.

**Senator TROOD:** The staffing for the embassy?

**Ms Thorpe:** No, staffing to implement the transition—to manage the contract and to develop the replacement for the ADF.

**Senator TROOD:** Is that staffing here in Canberra?

**Ms Thorpe:** Some of it is in Canberra and some of it is actually at post.

**Senator TROOD:** How many staff are we talking about, Ms Thorpe?

**Ms Thorpe:** I think from memory it is about—

**Mr Moraitis:** Three.

**Ms Thorpe:** Three overseas—three at post—for this new money that we have just received.

**Senator TROOD:** Why is this such a complicated process? I know, of course, all the background in Iraq and things of that kind, but what makes this such an expensive exercise?

**Ms Thorpe:** We are replacing quite a significant number of ADF personnel, so we need to manage the contract. We need to replace them in terms of our relationship with the United States in Baghdad. There are a number of things that we have to pick up that the ADF was doing up until now.

**Senator TROOD:** The ADF was providing security, and there were 17, I think.

**Ms Thorpe:** Currently there are 17 left, but originally there were considerably more.

**Senator TROOD:** It was a very much larger figure and there are 17 left. I heard from Defence yesterday that CDF anticipated that the security situation would improve to the point where the security contract could kick in some time in the second part of the year, perhaps towards the end of the year. I assume you agree with that assessment, do you?

**Ms Thorpe:** That is correct. But it is not just the contract, as I indicated. There is our relationship with the United States. The ADF was very actively involved in acting in that relationship, which we now need to pick up in terms of military security, that sort of thing.

**Senator TROOD:** Of course, I completely understand the close relationship we had with the United States in Iraq. What is eluding me at the moment, Ms Thorpe, is why there are costs attached to the nature of that relationship in managing the Baghdad embassy.

**Ms Thorpe:** It is not managing the Baghdad embassy. It is managing the security contract and the security in relation to what we are picking up from the ADF.

**Senator TROOD:** The embassy exists. At the moment security is being provided by the ADF.

**Mr Moraitis:** There was already a transition to this. It has commenced, so it is not correct to say that the ADF is providing all of the security. The private security contractors are already providing a large element of protection. It will go into a final transition stage towards the end of the year. So there is already a continuum that has been happening since the beginning of the year.

**Senator TROOD:** Thank you, Mr Moraitis. So URG, the security contractor, is already performing some of its responsibilities under the contract?

**Mr Moraitis:** Correct.

**Senator TROOD:** This is the \$32 million contract—is that right?

**Mr Moraitis:** That is right.

**Senator TROOD:** So that has begun. That is straightforward enough. Now explain to me why costs attach to the American dimension of this.

**Mr Moraitis:** Because as the US military withdraws later in the year and the Australian military withdraws and the US military's role is replaced by a US embassy role, which involves a diplomatic security dimension, we will need as an embassy to plug into that dimension of that relationship. So the military-military dialogue is replaced by an embassy-embassy dialogue on security. We hope to have the transition from military-military that is happening in a continuum happen seamlessly. That is why we need those key positions or important positions.

**Senator TROOD:** So this is people in liaison positions—or is it computer links or is it communications? What is it that we are paying for? What is it that you are seeking this money from the parliament to do?

**Mr Moraitis:** There are two positions. One is a liaison position involving working with the diplomatic security component of the US embassy in Baghdad, and there is one with an intelligence liaison dimension role with the embassy.

**Senator TROOD:** Are those two individuals there already?

**Mr Moraitis:** No.

**Senator TROOD:** They will be—

**Mr Moraitis:** We are in the process of—

**Senator TROOD:** They are coming from here, presumably?

**Mr Moraitis:** It is to be confirmed where from.

**Senator TROOD:** They are A-based officers. Wherever they are in the world at the moment, they are being posted to Iraq—to Baghdad?

**Mr Moraitis:** Theoretically. We do not know yet where they will be sourced from.

**Senator TROOD:** Specifically for the reason to liaise with the United States?

**Mr Moraitis:** Because they are the ones that have the major role to play.

**Senator TROOD:** How much is the cost of those officers or the staffing costs related to them as part of this \$60-odd million?

**Mr Moraitis:** In rough terms, a position like that would be \$500,000 per position.

**Senator TROOD:** So it is a million dollars?

**Mr Moraitis:** Something like that, yes.

**Senator TROOD:** We are still some way shy of the totals here.

**Mr Moraitis:** To get to \$16½ million. It is not totally to do with extra staff.

**Ms Thorpe:** As I said, out of the \$16.4 million we are receiving in 2011-12, over \$3 million is capital. That is to do with addressing problems with the perimeter and armoured vehicles and all those sorts of things which we need to now put in place.

**Mr Moraitis:** And a large quantity of that will be to top up the contract as the final elements of the transition from ADF to URG are finalised involving CPPT teams—close personal protection teams. At the moment, people like the ambassador have a military detachment, a CPP. In due course, when the process is finalised, it will be replaced by URG. That is obviously quite an expensive proposition.

**Senator TROOD:** The contract is from 1 January this year to 31 December next year. That is a two-year contract for \$32 million.

**Ms Thorpe:** No. The \$32 million is the initial contract. We will need to negotiate with the company for potentially additional services.

**Mr Moraitis:** As I said.

**Senator TROOD:** That is a lot of money for a contract.

**Mr Moraitis:** Yes.

**Ms Thorpe:** That is right. For example, when our staff move outside the embassy, they need security people up the front and they need security people at the back. You are talking about a number of staff involved in just supporting our people when they move around. There is also guarding at the embassy. These take a lot of people. People, as you can imagine, are expensive.

**Senator TROOD:** I do not have any difficulty understanding the difficulty of the security environment. Thankfully, it has somewhat improved from where it was. Was the \$32 million contract related to just the protection of the present premises? It did not include this close protection dimension?

**Mr Moraitis:** It is essentially to do with the premises. It was to do with static guarding outside the embassy premises. I think there might have been some dimension of CPP for the non-head of mission. So there is a large element of that.

**Senator TROOD:** So the add-on is worth what? Do we know?

**Ms Thorpe:** That is yet to be negotiated.

**Senator TROOD:** I see. So you are doing an add-on for the term of the contract. Is that right?

**Mr Moraitis:** Yes, for the next financial year.

**Senator TROOD:** For the next year and a half, until December next year. So you are doing an add-on for that which is largely related to the close protection.

**Mr Moraitis:** And the full transition to a non-military security protection for the whole embassy: infrastructure, all the personnel, movements from in and out of the embassy and all the other auxiliary functions that go with that. It is quite expensive.

**Senator TROOD:** Why did you do it this way? Did you not anticipate that these were going to be part of the costs of this contract?

**Mr Moraitis:** I am sorry?

**Senator TROOD:** Was it not clear that those additional elements were going to be part of the contract or the need that the embassy had?

**Mr Moraitis:** No, my understanding was that it was always agreed there would be a transition. Once the transition reached the point of maturity in the contract, we would transition to a full civilian dimension. When that happened, there would be supplementation sought as the ADF extracted.

**Senator TROOD:** And this is AusAID, or is it coming out of your budget?

**Mr Moraitis:** No, it is DFAT.

**Senator TROOD:** It is coming out of DFAT's budget?

**Mr Moraitis:** Yes.

**Senator TROOD:** I wonder if you could, in relation to this whole Baghdad transition, take on notice to break those figures down for me. I have the \$32 million. Can you disaggregate the balance for me?

**Mr Moraitis:** Yes. As Ms Thorpe said, we still need to negotiate with URG about the final figures.

**Ms Thorpe:** We can give you an indication.

**Mr Moraitis:** An indication. We can give you the break-up.

**Senator TROOD:** You can put a question mark there, as long as I understand that there is a component of it which has not been quantified as yet. Thank you.

**CHAIR:** When you chose to go down the path of outsourcing that security work in the embassy there, did you give any consideration to attempting to get a contract with Defence to do that work? The reason I ask that question is that yesterday we had a significant amount of evidence from CDF and the secretary that they were insourcing a whole heap of work from formerly independent contractors and the like because it was significantly cheaper for Defence to bring the work back inside.

**Mr Richardson:** I can answer that.

**CHAIR:** Or are there other considerations?

**Mr Richardson:** Where possible, the ADF—I think for very understandable reasons—prefer not to be involved in providing close personal protection and security to an embassy. They rightly do not see that as part of their central mission. They have big commitments in Afghanistan and elsewhere. Given the growth in professional private security organisations that can provide it, they like to stand aside where that is possible. In terms of cost, it is my understanding—but I may stand corrected—that it would cost us slightly less to do it privately than it would if we were to engage the ADF.

**CHAIR:** Thank you, Mr Richardson.

**Mr Moraitis:** This is general practice. Like-minded missions in Baghdad have also moved from a military to a contractor situation.

**CHAIR:** So be it.

**Senator TROOD:** On notice, I asked a question about the appointment of ambassadors. It was question 30. You gave me an answer with regard to the extensions of time that ambassadors or heads of mission had received in relation to their posts. You listed 18 heads of mission with extensions to their period of time from two months to 18 months, I think. I am very much aware that appointments have been made in relation to two of those heads of mission—in Tokyo, of course, and in Beijing. Have there been any other changes to that list, Mr Richardson, since you gave it to me?

**Mr Richardson:** I would need to take that on notice. I might add, Senator, that in most of the cases that you have before you—in most—the extension is at the request of the relevant head of mission. It is not at our request. When a head of mission's standard three-year appointment is coming 12 months out or whatever, we call for expressions of interest at that time. At that point, a head of mission can seek an extension of his or her posting. In not all but most of the cases here where you see 12 months or more, it has been at the request of the relevant officer. That is not in all cases but in most.

**Senator TROOD:** I was going to ask you what 'operational' means, because I have sought an explanation and it is a one-word explanation which means very little to me.

**Mr Richardson:** In some cases it is because the head of mission has children in year 12. They ask for an extension to enable their child to complete year 12 in the same system where they started year 11 or year 10. In some cases, it is because there are big things happening in the relationship or big multilateral meetings taking place in the capital and in the country to which they are accredited and they believe there would be advantages in staying on for that reason. In a couple of cases here, it is to fit in with a cross-posting. So, rather than come back to Canberra for three or four months, they stay on where they are and then go straight to the other post. In other cases, we have asked them to stay on to fit in with language training someone might be undertaking or whatever. So 'operational' encompasses all of that.

**Senator TROOD:** You regard any head of mission who is remaining beyond a three-year appointment as essentially gaining an extension to that appointment?

**Mr Richardson:** Yes. A standard posting is taken as three years. Beyond three years, we classify it technically as an extension.

**Senator TROOD:** I see. What is the story in Moscow, where the extension seems an extraordinary period of time? It is half another posting period.

**Mr Richardson:** Margaret Twomey has the language. She does a terrific job. She wanted to stay on. Next year Russia hosts APEC. Putting all of that together, we agreed to that request for an extension by her.

**Senator TROOD:** So she is likely to be there quite a lot longer?

**Mr Richardson:** I just forget precisely when her three years come to an end and when her 18-month extension comes in.

**Mr Moraitis:** The end of this year, and then extended to the end of next year.

**Mr Richardson:** Right.

**Senator TROOD:** So this is an 18-month extension?

**Mr Richardson:** Yes, from the middle of this year through to the end of next year.

**Senator TROOD:** I see. So these are not extensions to date? They are extensions that have been granted. Is that right?

**Mr Richardson:** Yes, that is right.

**Senator TROOD:** So she has been granted an extension until the end of next year. Do you have any Russian speakers that could replace her?

**Mr Richardson:** We will advertise it again towards the end of the year. It is not a position where the language is compulsory, but it is useful if you have it. The bottom line is that she is doing a good job, she wanted an extension for valid reasons and we thought it made sense to have an experienced officer who was already familiar with the local scene in a year in which Russia would be hosting APEC.

**Senator TROOD:** Well, we do know that the foreign minister has views about these things. Does the stability of heads of mission, if I can put it that way, save you money?

**Mr Richardson:** Marginal. But in the time I have been in my job since January last year, I have never put forward an extension on the grounds of saving money because it is very marginal. You save a bit in terms of travel, you save a bit in terms of settling in and the like and movement of people, but in the context of our overall budget, it would not be considered a material amount of money.

**Senator TROOD:** That is moving an officer back and forth or to some other post?

**Mr Richardson:** That is right.

**Senator TROOD:** And the officer's family, if that is the case, and their entitlements with regard to possessions and things of that kind?

**Mr Richardson:** Well, it would depend.

**Senator TROOD:** Is there a nominal amount for that, Secretary?

**Mr Richardson:** It varies from post to post. Whether you save money or whether it added money would depend upon the composition of families coming and going. But no extension that I have put forward or recommended in the time I have been in the job has been with savings in mind.

**Senator TROOD:** This mucks up the promotion ladder a bit, does it not, as well?

**Mr Richardson:** Not necessarily, no.

**Senator TROOD:** There are a large number of officers in heads of mission positions who had been appointed for a period of time and now are staying on. So people who might have aspired to Colombo or Moscow even, Paris particularly, perhaps, are unable to go because there is no movement in those positions?

**Mr Richardson:** But that does not mean it is a promotion. For instance, some of these jobs, let us say, are at the SES band 2 level. You might get that job through promotion or you might get that job, if you like, on transfer. If you are replacing a band 2 with a band 2, you are not standing in the way of anyone's promotion.

**Senator TROOD:** But you could be standing in the way of someone's elevation to a head of mission position, could you not?

**Mr Richardson:** Well, if you consider that having a flag on your car is an elevation, then, yes. But if you are an SES band 2 and you go to an SES band 2 job overseas, you are not being elevated. You are simply doing a different job.

**Senator TROOD:** I would be surprised if most officers—I should take a poll around the room—did not aspire to a head of mission position or regard it as an honour.

**Mr Richardson:** No.

**Senator TROOD:** And something to which they would aspire.

**Mr Richardson:** People aspire to be a head of mission. However, where you have already been a head of mission once or twice or even more, it does not necessarily mean that if you are going out on another head of mission ship at the same level you consider that an elevation. It is individual. For someone going out to a head of mission job for the first time, they would certainly consider that an experience which they would really value. All heads of mission would consider it to be an honour to serve their country in that capacity. But I do not think most people see it as an elevation in that strict sense of the word.

**Senator TROOD:** It may not affect pay scale, I suppose, but I think we are in furious agreement about the fact that it is an honour to represent your country as a head of mission. I would have thought that is something to which people would aspire. With such a large number of people who are staying put, that frustrates the ambitions, perhaps, of officers, does it not?

**Mr Richardson:** It may. I have to say, Senator, that I really do not have a problem with people being in a job overseas for four years. There are some countries where the standard length of a head of mission's appointment is, in fact, four years. So I am quite relaxed about seeing people extended for a fourth year where they are doing a good job and where the needs of the government are being met.

**Senator TROOD:** Just in relation to Beijing and Tokyo, when are those changes occurring, or have they changed?

**Mr Richardson:** No. Geoff Raby, it has been announced publicly, will be replaced by Frances Adamson in August. Murray McLean in Tokyo will be replaced in late July by Bruce Miller.

**Senator TROOD:** So both are happening in the next couple of months?

**Mr Richardson:** Yes.

**Senator TROOD:** Perhaps you can update this list for me. I am not sure when this was prepared, but it is obviously out of date in relation to two posts. It may be out of date in relation to others. That is to say, appointments may have been made and there may be, on the basis of your definition of three years, some other posts that should be added to it. So perhaps you would upgrade that for me and provide me with rather more detail than just operational. If you could find some key way of—

**Mr Richardson:** Well, we would prefer to avoid against individuals putting matters which relate to personal circumstance.

**Senator TROOD:** I understand that. Why not indicate in your response that these are the kinds of reasons—

**Mr Richardson:** Sure. We can do that, Senator.



**Senator TROOD:** without attributing to individuals, so that I can understand what it is that causes people to be retained in their position—

**Mr Richardson:** Certainly, Senator.

**Senator TROOD:** if you can qualify or identify the various reasons that are typical for these extensions?

**Mr Richardson:** Okay. Thank you.

**Senator TROOD:** Thank you. I refer to a question on notice. I must say it was not your portfolio. It is a question on notice that I put to the Department of Immigration and Citizenship, so you possibly do not have the answer. But I asked a question of DIAC with regard to the public interest criteria for visas in relation to short stay business and religious worker visas. The question was: in what circumstances, when foreign individuals plan to visit Australia for political reasons, does the government refuse to grant entry? The answer I received was:

A person may be refused certain visas, including short stay business and religious worker visas, for failure to meet public interest criteria, PIC 4003. PIC 4003 requires the applicant is determined by the foreign minister not to be a person whose presence in Australia is or would be contrary to Australia's foreign policy interests.

So the department has implicated your portfolio in its response, Secretary.

**Senator KROGER:** Very generous of them.

**Senator TROOD:** That is not untypical of some departments. Can you tell me whether or not the foreign minister has made any determinations in relation to public interest criteria in the last 12 months?

**Mr Richardson:** I would need to take that on notice, Senator.

**Senator TROOD:** Is the department correct in relation to the advice it has given me?

**Mr Richardson:** Look, I am sure it is. We have a good working relationship with DIAC. They would never seek to pass the onus on to us in any way that is other than proper, so I would take as a given what they have said.

**Senator TROOD:** That is a very generous interpretation of your relationship, I think. Is there somebody who can tell me something about the way the public interest criteria operates or is maintained?

**Ms Stokes:** I will try to give you some information, Senator. DFAT is consulted by DIAC on visa matters where the person's presence in Australia may be controversial.

**Senator TROOD:** So you do not know if a person is likely to be controversial unless DIAC tells you that they might be controversial?

**Ms Stokes:** Well, it operates usually through our posts. In many cases, the DFAT people at the post are consulted in that identification.

**Senator TROOD:** So if someone is coming to Australia and is flagged by DIAC, then you might have reason to be concerned about it?

**Ms Stokes:** That is right.

**Senator TROOD:** Do I take it, then, that you would not receive advice from your officers at post about an individual and that you would not investigate it or have any reason to be interested unless it came through DIAC?

**Ms Stokes:** DIAC is at the post. In terms of processing visa applications, DIAC's responsibility is to be alert to the potential of visitors being controversial. It is often the case they will consult with the DFAT staff at the post.

**Senator TROOD:** Is there, Ms Stokes, a public interest criteria list? How does this work?

**Ms Stokes:** There are two grounds where the foreign minister has the power to use the public interest criteria 4003 of the Migration Regulations 1994 to block the grant of a visa.

**Senator TROOD:** I will stop you there. What does the 4003 mean?

**Ms Stokes:** It is the reference in the Migration Regulations.

**Senator TROOD:** I see.

**Ms Stokes:** It covers two areas. One is where there is the potential for the person arriving in Australia to be contrary to our foreign policy interests or directly or indirectly associated with the proliferation of weapons of mass destruction. It is through these powers that Australia's autonomous travel sanctions are implemented in relation to countries such as Fiji, Iran and Zimbabwe.

**Senator TROOD:** I see. So the public interest criteria just relates to these two rather narrow areas. Is that right?

**Mr Richardson:** Senator, I will add to it. I stand corrected here, but I do not think governments normally define public interest. We might have broad criteria here, but there is normally scope there. National interest and public interest are normally not defined in sharp terms.

**Senator TROOD:** Ms Stokes mentioned two criteria. One is in relation to foreign policy.

**Ms Stokes:** Foreign policy interests, which—

**Senator TROOD:** Which is rather broad.

**Ms Stokes:** could be very broad.

**Senator TROOD:** Yes. And the other relates specifically to nuclear non-proliferation?

**Ms Stokes:** Or WMD.

**Senator TROOD:** Do you maintain a list of individuals that you regard as satisfying these criteria and, therefore, they are on the public interest list or not?

**Ms Stokes:** Do you mean after a decision is made?

**Senator TROOD:** Yes. Or at any time. If DIAC sends you a request, do you then look through your list that you have compiled and say, 'Well, that person is on it?'

**Ms Stokes:** No.

**Senator TROOD:** I am trying to understand, Ms Stokes, how this operates—whether or not there is a standing list of individuals in your department whom you regard as having satisfied this list so that if a name were referred to you, you would say, 'Well, that person is on our list and we are of the view that they satisfy the public interest criteria. Therefore, the foreign minister should make a determination in relation to them.'

**Ms Stokes:** In the case of sanctions, where we have autonomous sanctions, the names will be clearly identified. But other than sanctions, they are not determined in advance under these two criteria.

**Senator TROOD:** What chance is there that an individual who might be a member of an identified extremist Islamic group, for example, is necessarily on the list?

**Mr Richardson:** That is a slightly different issue, Senator. You would expect that to be picked up in the movement alert list, normally by ASIO. The movement alert list, which is managed by Immigration, can have on it people for a variety of reasons. Where it is, if you like, terrorism related, then normally that is provided by ASIO. We have sometimes been involved where someone seeking to visit Australia from overseas might be considered to be a controversial figure. You might have a look at that. And departments consult and determine whether a recommendation will be made to deny the visa or not. There have been some well-known cases in the past. If you go back, for instance, there is the author, whose name I just forget, who has written several books denying the holocaust. There is a chequered history there in terms of whether you allow or do not allow and the like.

**Senator TROOD:** But people who are not extremists or terrorists or people who are associated with terrorist organisations, for example, are not typically assessed by reference to the public interest criterion. Is that right?

**Mr Richardson:** They are normally on a list maintained by ASIO, given their statutory responsibilities in terms of threats to security.

**Senator TROOD:** I see. An organisation like Hizb ut-Tahrir at the very least is an extremist organisation with members who give inflammatory, incendiary indeed, speeches around the world. They would not necessarily be people who would come to your attention. Is that right?

**Mr Richardson:** In respect of people who are associated with Hezbollah who are not part of the military wing but who are publicly known and are seeking to visit Australia, yes, we would be consulted in that context. There you are looking at issues that go beyond security.

**Senator TROOD:** I see. Ms Stokes, do you have a note of how many determinations have been made by the foreign minister under this criterion in the last 12 months or so?

**Ms Stokes:** I have some information here, but I do not believe it is complete. The foreign minister delegates his authority in some respects. For example, the first assistant secretary of the Pacific division has the ability to make determinations on behalf of the foreign minister with respect to persons captured by Australia's sanctions against Fiji. The information I have here—Jennifer Rawson can correct me if I am wrong—is that that position made 40 determinations in 2010.

**Senator TROOD:** Is that the largest number of determinations in relation to a particular group—that is, say, people from Fiji? So there are 40 determinations in relation to Fijians, but that is not the extent of the determinations that have been made? There could be others?

**Ms Stokes:** Globally, yes. I do not have that information, and we can take that on notice, Senator.

**Senator TROOD:** Will you do that, please? I would be interested to know how many determinations have been made by the foreign minister or his designate over the last 12

months, thank you, and which of the criteria they fall into out of those that you have mentioned. I would just like to clarify some information regarding climate change. Can you tell me what, if any, advice your department has made to the climate change committee?

**Mr Richardson:** As a department?

**Senator TROOD:** Yes. Have you given any advice? Have you been asked to give any advice to the climate change committee?

**Ms Stokes:** Is this the climate change committee of cabinet or the Multi-Party Climate Change Committee?

**Senator TROOD:** Both. Sorry, I did not make that clear. I would like your response to both, please.

**Ms Stokes:** As is normal, DFAT has the opportunity to comment on cabinet submissions, and we have provided comment.

**Senator TROOD:** To the climate change committee of cabinet?

**Ms Stokes:** Yes.

**Mr Richardson:** But that is only normal departmental comment.

**Ms Stokes:** That is right.

**Mr Richardson:** That is a little different to giving advice per se. We are commenting on a submission.

**Senator TROOD:** I see. So you are providing comment on a submission?

**Mr Richardson:** As part of the cabinet process.

**Ms Stokes:** Yes. And providing briefing for our ministers.

**Senator TROOD:** So you have given successive iterations of advice, have you, not just a single piece of advice? You have given advice on a regular basis?

**Ms Stokes:** We have provided commentary on submissions on a regular basis and have briefed our ministers on a regular basis on climate change.

**Senator TROOD:** Can you tell me, Ms Stokes, when you have given that advice?

**Ms Stokes:** It has been very frequently in recent months.

**Senator TROOD:** Has there been an occasion when you have provided a substantial piece of advice, perhaps the first time you were asked to do this?

**Senator Conroy:** You can ask when, Senator Trood. I am not sure you can ask for a description like substantial or not substantial. I am not sure that goes to the Senate estimates process.

**Senator TROOD:** Well, I am actually trying to help the department, Minister. I am happy to ask for—

**Senator Conroy:** Perhaps you would like to rephrase the question.

**Senator TROOD:** Can you please advise me of the occasions upon which you have provided advice?

**Ms Stokes:** I do not have that information with me, Senator. We have done it on many occasions.

**Senator TROOD:** Can you provide me with that information?

**Ms Stokes:** Yes. We will take that on notice.

**Senator Conroy:** We can take that on notice and see what is available for you.

**Mr Richardson:** We will take it on notice, yes.

**Senator TROOD:** Thank you. So that is advice to the climate change committee in relation to the climate change committee of cabinet's deliberation. Have you provided any advice to the multiparty committee at all?

**Ms Stokes:** No.

**Senator TROOD:** Have you been asked to give any briefings to the multiparty committee at all?

**Ms Stokes:** No.

**Senator TROOD:** On the foreign dimensions of this?

**Ms Stokes:** No, Senator.

**Senator TROOD:** So you have had nothing to do with the multiparty committee?

**Ms Stokes:** We have indirectly because many of the submissions, of course, relate to the input that is going to the Multi-Party Climate Change Committee. So it is an indirect contribution to the government.

**Senator TROOD:** Yes. So this is an indirect relationship so far as the multiparty committee is concerned. Any advice that has come from you to the multiparty committee has gone through the cabinet process rather than you providing any briefings to the multiparty committee?

**Ms Stokes:** Yes. We have not provided any briefing directly to the Multi-Party Climate Change Committee.

**Senator TROOD:** Can you table the advice that you have given?

**Ms Stokes:** No, Senator. It is cabinet-in-confidence.

**Senator TROOD:** I see. So you are claiming cabinet-in-confidence for all of your advice. Is that right?

**Mr Richardson:** Well, it would not be appropriate anyway, Senator. It is advice to the minister and advice to the government.

**Senator TROOD:** Well, this is a constant source of controversy, I must say, in estimates. There is a very narrow test of whether or not the committee is entitled to seek advice. I am not sure that quite—

**Senator Conroy:** I spent 11½ years in opposition asking questions from your side, Senator Trood. I sympathise with you.

**Senator KROGER:** I think you want to be back over here, do you not?

**Senator TROOD:** My understanding of your position is you are claiming it is a cabinet-in-confidence document or any advice you have given. Therefore, it is not accessible to the committee. Is that what you are telling us?

**Mr Richardson:** That is right, Senator.

**Senator TROOD:** Have you given any advice to any other departments? I presume that went through PM&C, that advice?

**Ms Stokes:** Many of the submissions come from the department of climate change, so we are commenting on their submissions. In the normal way, our comments will be seen by all of the other relevant departments.

**Senator TROOD:** Are you on any committees that relate to these kind of activities?

**Ms Stokes:** Yes.

**Senator TROOD:** Which committees are you on—the department, obviously?

**Ms Stokes:** Our staff in my division regularly attend committee meetings and interagency meetings that are convened in relation to the price on carbon process.

**Senator TROOD:** So how often do you hold those meetings?

**Ms Stokes:** They are very frequent.

**Senator TROOD:** What?

**Ms Stokes:** They are at least weekly and there are several of them. I do not have the precise names of the committees here with me today.

**Senator TROOD:** So at least once a week?

**Ms Stokes:** It seems as though it is very frequent, so there is a very intensive consultative process.

**Senator TROOD:** So you are spending a lot of time on this climate change issue?

**Ms Stokes:** There are some staff. It is not only in my division. It is the Office of Trade Negotiations and our TED division that participate.

**Senator TROOD:** But do you have any staff in your division who are specifically dedicated to doing climate change work?

**Ms Stokes:** Yes. I have one section that covers climate change as well as other items on the environment agenda.

**Senator TROOD:** And how big a section is that?

**Ms Stokes:** It is approximately four or five. But they are not solely devoted to climate change.

**Senator TROOD:** You have a section called what?

**Ms Stokes:** I will have to take that on notice. I am sorry, Senator.

**Senator TROOD:** Is it called the climate change section?

**Ms Stokes:** I probably can get that information very quickly.

**Senator TROOD:** I would hope so.

**Mr Richardson:** The senator is entitled to know the name of a section.

**Senator TROOD:** At least we can agree on that.

**Ms Stokes:** It is in the environment branch and there are lots of items covered in the environment branch. Climate change is obviously one of the significant ones.

**Senator TROOD:** So there is a climate section and a climate policy section, perhaps. Let us call it that for the time being. There are four or five officers?

**Ms Stokes:** Yes.

**Senator TROOD:** Is it four or is it five?

**Ms Stokes:** I would need to get advice on that.

**Senator TROOD:** So are we talking about bodies here, or are we talking about—

**Ms Stokes:** I am talking about bodies. The reason why I am a little vague is that we have movement of graduate trainees. They come and go and I am just not quite sure what the placement arrangement is right at this very moment.

**Senator TROOD:** Has that been the figure for some time, or is that a figure that has increased recently?

**Ms Stokes:** I think it has been steady for some time.

**Senator TROOD:** So that whole section, including you, has participated intensively in discussions on climate change. Is that correct?

**Ms Stokes:** I would not describe my own involvement as intensive involvement in climate change. It has been one of many priorities that I have been involved with since I took over this job. But the section head and her staff are involved more intensively in the price on carbon developments.

**Senator TROOD:** Is the section head the person who attends these interdepartmental committees?

**Ms Stokes:** It varies. It can be her and it can be her staff. We also work closely with colleagues in other divisions in the department who have an interest in particular aspects. So we work collegiately to work out who will go to which meetings. So we try to manage it as economically as we can.

**Senator TROOD:** Do you have a budget for this function or not? It is part of outcome 1, I assume, in relation to the department's activities?

**Mr Richardson:** We do not have a budget per se for the function.

**Ms Stokes:** Senator, the name of the section is the climate change and environment section.

**Senator TROOD:** We were close. That is good. Thank you. In relation to the international dimension of this activity, are you the lead agency in relation to the international work on—

**Mr Richardson:** No, Senator. No, we are not. That is the department of climate change.

**Senator TROOD:** So the department of climate change is the lead agency in relation to any international dimension?

**Mr Richardson:** That is right. It was transferred from the Department of Foreign Affairs and Trade to the newly established department of climate change following the administrative arrangements orders issued after the 2007 elections.

**Senator TROOD:** I see. The 2007 elections?

**Mr Richardson:** Yes.

**Senator TROOD:** This is a straightforward matter? It is not a controversial matter in relation to which department is leading, Secretary?

**Mr Richardson:** Well, I think as far as the government goes, it is a straightforward matter. The responsibility, the carriage of it, resides where it is, as determined by the government.

**Senator TROOD:** And you are comfortable with that? You understand those boundaries? It is not easy to understand where climate change begins and ends, is it?

**Mr Richardson:** We work within the administrative arrangements orders determined by the government.

**Senator TROOD:** Ms Stokes, in your section, the climate change and environmental section does both the international and the domestic dimensions of it. Is that right?

**Ms Stokes:** It covers the international dimensions. With respect to the carbon price mechanism, DFAT's interest in that relates to our international interests.

**Senator TROOD:** Have people from your section travelled in relation to international activities?

**Ms Stokes:** Yes. Staff from the department will frequently attend UN meetings on climate change.

**Senator TROOD:** And how frequently have they been away in the last 12 months?

**Ms Stokes:** I would have to take that on notice.

**Senator TROOD:** Do that for me, would you?

**Mr Richardson:** I might add, Senator, just for the record, it is worth noting that we do have officers on secondment to the department of climate change. The relevant ambassador in the department of climate change is normally a DFAT officer.

**Senator TROOD:** How many officers are there on secondment?

**Mr Richardson:** At the moment, I think there are three, but there have been up to six or seven.

**Senator TROOD:** I see.

**Ms Stokes:** Senator, I can now advise you that in the section there is a director, EL2, plus four staff.

**Senator TROOD:** So we have five?

**Ms Stokes:** Yes.

**Senator TROOD:** Good. Thank you. I can see Senator Ludlam sitting there patiently. Does he have issues in relation to the overview?

**CHAIR:** No. He is waiting for outcome 1. Senator Kroger, I am happy to give you an opportunity.

**Senator KROGER:** I want to firstly follow up on answers received this morning to questions on notice in relation to Mr Rudd's travel. In particular, they were questions in relation to DFAT staff who travelled with him. In relation to his travel to the United States in September 2010, I note that he had four DFAT staff in attendance, from your answers. There was the first assistant secretary from the Americas and Africa division, the head of the UNSC taskforce, the assistant secretary of international organisations branch and a director of the Philippines and Thailand section. Why would the director from the Philippines and Thailand



section be attending a visit to the United States? How is it determined what DFAT staff travel with the foreign minister?

**Mr Richardson:** I will just add that the way we have presented this in the answer to the question is a little misleading. For instance, it should not say Mr Rudd was accompanied by four DFAT staff. It should say he was accompanied by two staff in Washington and two in New York. He was not accompanied by four. The way we have answered it implies that he had four departmental staff with him on the whole trip.

**Senator KROGER:** It does read like that.

**Mr Richardson:** But he had two in Washington and two in New York serving quite different purposes.

**Senator KROGER:** So two based in Washington and two based in New York?

**Mr Richardson:** No. He had four staff in total from Canberra. Two of them specifically went for the visit to Washington. Two of them specifically went for the visit to New York. At any one time, he had a couple with him. In New York, I think it was the head of the UN Security Council taskforce and the assistant secretary of international organisations branch. I just need to get the two. The FAS from the Americas and Africa division, Bill Tweddell, was in Washington. I am not quite sure whether the director of the Philippines and Thailand section was in Washington or New York.

**Senator Conroy:** I will just add. Mr Rudd was representing the PM at the UN General Assembly. He had just been sworn in as foreign minister. A large workload was coming out of the caretaker mode. It is normal practice for successive foreign ministers to travel with officials from DFAT. So there were sets of circumstances that were unique in this particular instance.

**Senator KROGER:** Okay, Minister. I am just trying to ascertain whether the skill set was applied to the trip or there were other reasons. Minister, you are saying that the director of the Philippines and Thailand section who travelled to either the Washington leg or the New York leg of the trip would be there to provide advice in other ways other than the trip specifically? Is that what you are suggesting or not?

**Senator Conroy:** As I was saying, Mr Rudd was representing the PM at the UN General Assembly—so, that is the New York leg. He had also just been sworn in as foreign minister. You might remember there was a bit of a hiatus between the elections.

**Senator KROGER:** I do happen to recall.

**Senator Conroy:** The caretaker period went for a bit longer than normal, so there was a large backlog. So I suspect that the large backlog required a little more attention than normal. But certainly successive foreign ministers, including Mr Downer, travelled with staff from Canberra. That is not unusual.

**Senator KROGER:** Sure.

**Senator Conroy:** I think there are some unique circumstances in the UN General Assembly and the caretaker provision. Mr Rudd was perhaps catching up on a large backlog and needed extra assistance.

**Senator KROGER:** I shall give you the benefit of the doubt, Minister. Would that reason roll over to the visit in the following month, which has been provided in a response, to Japan,

Belgium, Italy and the Holy See, where he was accompanied by the assistant secretary for the Pakistan and Afghanistan branch?

**Senator Conroy:** If you are travelling for different purposes, it is not unusual for different departmental officers to travel with you on different parts of the trip. That is absolutely normal, if I can just make that point. Sometimes that means one officer will come to you for one part and then go home and then another officer meets you at the next part. That would be classified in this way as travelling with two staff even though you may have only had, for instance, one staff member with you at each point in time.

**Senator KROGER:** Sure. I appreciate that, Minister. But in relation to this one—his visit to Japan, Belgium, Italy and the Holy See—he was accompanied by someone from the Pakistan and Afghanistan branch.

**Mr Richardson:** I can answer that there were several purposes to it. A principal purpose was to attend a meeting of the Friends of Democratic Pakistan, of which Australia is a founding member. That meeting was being held in Belgium and that is why he was accompanied by the assistant secretary of the Pakistan and Afghanistan branch.

**Senator KROGER:** Thanks for that, Secretary. I also want to quickly touch on the diplomatic corps visit to Queensland, which was, I think, in April this year, when the foreign minister joined a rather large delegation of the diplomatic corps for two or three days. Firstly, I want to know what part of the budget did that trip come out of? Where was that funded from?

**Mr Richardson:** That came out of the protocol area of the department.

**Senator KROGER:** The protocol area?

**Mr Richardson:** Yes.

**Senator KROGER:** Where would I find that? What would the cost have been?

**Mr Richardson:** Well, the actual money, I think, was taken from a contingency reserve we have in the department. But it was channelled through the protocol branch of the department.

**Senator KROGER:** And how much is in that contingency reserve normally?

**Ms Thorpe:** It is something we put aside, Senator. We do an assessment of what we believe each year, so it will vary from year to year. In most places we do some sort of contingency because obviously things come up during the year.

**Senator KROGER:** So what size?

**Ms Thorpe:** As I said, it will vary from year to year. It is about \$1 million. It is to cover a number of events during the year.

**Senator KROGER:** So what was the total cost of that?

**Mr Richardson:** It was \$110,000.

**Senator KROGER:** I understand that most of the diplomatic corps were represented, were they? Most were ambassadors?

**Mr Richardson:** There were quite a number. From memory, there were around 70-odd, I think. There were 72 countries and members of diplomatic corps representing 72 countries.

**Senator KROGER:** So them plus the media that were included? There were international media, I gather?

**Mr Richardson:** There were international media there and some Australian media. The members of diplomatic corps covered their own airfares and covered their accommodation. They covered their own airfares except for the charter flight from Brisbane to Cairns, which we paid for. That cost of \$44,000 was part of the \$110,000 total cost.

**Senator KROGER:** And we covered the costs of the international journalists who travelled here, I presume?

**Mr Richardson:** I do not believe we covered the cost of their travel. I do not believe we covered their cost of travel to Australia.

**Senator KROGER:** So we covered their in-country costs, not their travelling costs?

**Mr Richardson:** I do not believe so. If any of them travelled on the charter, yes. But whether they travelled on the charter I do not know.

**Senator KROGER:** But we did not cover the costs in their getting here and so on?

**Mr Richardson:** No.

**Senator KROGER:** It is always difficult to assess the value and flow-through effect of these things. Were you happy with the way the visit went? Do you think it has started to show merit? I note that the drop in the GDP has just come through today for the first quarter of this year. Has there been any bounce in tourism numbers or anything like that?

**Mr Richardson:** I do not know. I doubt whether one would have expected such a quick result like that, and I do not think that was the purpose of it. You will be aware, Senator, that initiatives like this were initiated by Mr Downer when he was foreign minister. He initiated the practice of taking members of the diplomatic corps to different parts of the country. Both the minister for foreign affairs and the minister for trade, coming from Queensland, were very keen to show that Queensland was back in business because the publicity or the media reporting following the floods conveyed an impression—

**Senator Conroy:** A very strong message.

**Mr Richardson:** in parts of the world that Queensland was almost wiped out.

**Senator KROGER:** Yes. It most certainly did.

**Mr Richardson:** And both ministers and the government were keen to do something to rectify that impression, hence the visit. They went to Brisbane, Cairns and up to Port Douglas. I think the visit was very successful in helping to disseminate a message that Queensland had responded to the disaster magnificently. Despite the real toll that had been taken on the state and the human dimensions of it, Queensland as a state was back in business and did want to welcome visitors and the like. In Brisbane, they had a working lunch with the Queensland Resources Council, the Australian Industry Group and AgForce. They had meetings with different local government groups and the like. I was involved in part of the visit myself. I thought it was terrific.

**Senator KROGER:** Thanks very much.

**Senator TROOD:** Well, nearly wiped out or not, Secretary, it is always a fabulous place to visit.

**Mr Richardson:** I have a message saying that we may have covered the cost of the international media. I am told we are checking, so I will come back to you on that.

**Senator KROGER:** Thanks. If you can take that on notice, that would be great.

**Senator TROOD:** Since we were talking about sanctions earlier, Ms Stokes, I want to turn to the foreign minister's lunchtime speech today, where I understand he has made a statement regarding sanctions against Syria. That is my information. The government's position seems to have changed on this matter. Am I misinformed about that?

**Mr Richardson:** No, Senator. I am not in a position to comment because I have not seen the speech. I have been involved here and I am not—

**Senator TROOD:** So what you are saying, Secretary, is that you have not seen the text?

**Mr Richardson:** I have not seen the text of his speech.

**Senator TROOD:** Perhaps we will leave it until we get to the Middle East. Because that might be later in the evening or tomorrow, you will probably have an opportunity to investigate the matter further. Can you tell me when the foreign minister was informed of Mr Bin Laden's death?

**Mr Richardson:** He was in Washington, from memory, and it would have been some time prior to the public announcement. When precisely I cannot say.

**Senator TROOD:** It was 2 May, I think?

**Mr Richardson:** But in terms of time, I do not know. But certainly on the day, and it would have been prior to it being public.

**Senator TROOD:** Do you know how he learned of this? It was direct advice from the United States government, presumably. But do you know where the advice came from at all?

**Mr Richardson:** No. I do not.

**Senator TROOD:** I see that Ambassador Paterson has arrived at the table.

**Mr Richardson:** But we are talking about the advice the foreign minister received. We are not talking about advice here in Canberra.

**Senator TROOD:** I will get to that. You do not have that advice. Is that right, Secretary?

**Mr Richardson:** No.

**Senator TROOD:** Do you know whether or not the foreign minister was given a briefing?

**Senator Conroy:** We can take that on notice given that nobody at the table seems to—

**Mr Richardson:** Well, he was certainly provided with information in Washington.

**Senator TROOD:** I see. From the US authorities?

**Mr Richardson:** Yes.

**Senator TROOD:** From the US government. Is that right?

**Mr Richardson:** Yes.

**Senator TROOD:** Can you add to this at all, Mr Paterson, or not?

**Mr Paterson:** The minister's office was also provided within a short period of time talking points from Australia.

**Mr Richardson:** But that is advice in Australia. We are talking about advice in Washington.

**Senator Conroy:** He was asking when he was first told, I suspect.

**Senator TROOD:** That is right.

**Senator Conroy:** We are happy to take it on notice, Senator Trood.

**Senator TROOD:** Thank you. Mr Paterson, you provided the minister with advice from Canberra. Is that right?

**Mr Paterson:** That is correct.

**Mr Richardson:** The minister was advised in Washington by the Americans.

**Senator TROOD:** Did the department or the Australian government receive advice on this from Washington?

**Mr Richardson:** The Australian government did receive advice.

**Senator TROOD:** From?

**Mr Richardson:** From the US authorities.

**Senator TROOD:** Did that come to your department or did it go to the Prime Minister's office, do you know?

**Mr Richardson:** No. It came into the Australian government.

**Senator TROOD:** And was that prior advice?

**Mr Richardson:** It was prior advice.

**Senator TROOD:** And how much time was it before—

**Mr Richardson:** I am not at liberty to say.

**Senator TROOD:** I see. So you received advice prior. You do not know whether it was simultaneously with the foreign minister being advised?

**Mr Richardson:** No. I am unable to say that.

**Senator TROOD:** Are you able to say whether or not the Prime Minister was then advised?

**Mr Richardson:** Yes. The relevant ministers and the Prime Minister were advised very, very quickly.

**Senator TROOD:** So that was a responsibility that your department assumed?

**Mr Richardson:** It was the responsibility of the authorities to whom the information came to. And then people within government were advised in the normal way—relevant individuals in relevant departments and relevant ministers and the Prime Minister.

**Senator TROOD:** Following that advice, did you provide any advice to the Prime Minister's office about the subject of what might be a public statement or a press conference or her reaction, in other words?

**Mr Richardson:** That was managed, as it normally would be, by the Prime Minister's office and the Department of Prime Minister and Cabinet.

**Senator TROOD:** So you did not have any contribution?

**Mr Richardson:** No. We contribute into that process, as is normal, but we are not the ones to manage that.

**Senator TROOD:** I see. So which part of you did that, Secretary? Is that Mr Paterson's area?

**Mr Richardson:** It is Mr Paterson and his area.

**Senator TROOD:** I think we are going to talk to you a bit later, Mr Paterson, about some of the other things you do. So you sent some dot points off to the foreign minister about the whole situation so far as you knew it, and then you provided information to Prime Minister and Cabinet. Is that correct?

**Mr Paterson:** We provided input into advice the Department of Prime Minister and Cabinet was providing to the Prime Minister.

**Senator TROOD:** Thank you. Chair, it might be a convenient place to stop.

**CHAIR:** Have you concluded the overview?

**Senator TROOD:** I am getting there. It would be helpful, if it is convenient for you, to give me a moment to make sure I have covered all the areas. Then I can tell you that when we resume.

**CHAIR:** What do you suggest we do?

**Senator TROOD:** I was going to suggest we have our break now and come back in 15 minutes, if that is convenient.

**CHAIR:** Senator Ludlam, do you have anything?

**Senator LUDLAM:** Once we get to the various countries and desk officers. I have nothing on outcome 1.

**CHAIR:** Nothing on outcome 1? Yes, you have.

**Senator LUDLAM:** I do not have the schedule in front of me. But once we start going around the world—

**Senator KROGER:** No. On the overview?

**Senator LUDLAM:** Sorry, on the overview. I beg your pardon.

**CHAIR:** Why don't we just take a break? We will come back at 3.45 pm. The committee will suspend.

**Proceedings suspended from 3.26 pm to 3.47 pm**

**CHAIR:** The committee will come to order and continue our examination of budget estimates.

**Mr Richardson:** Can I make two corrections to advice I have given?

**CHAIR:** You may.

**Mr Richardson:** Before lunch, in answering questions about the minister's travel, I said that he was in Ho Chin Minh City on 13 April and in Hanoi on 13 April. He in fact arrived in Ho Chi Minh City on 12 April, overnighted and then had on the 13 the program that I previously mentioned. The second correction is that I said in answer to a question from Senator Kroger just before we broke up that we did not pay for the international media who visited Australia at the time the diplomatic corps went to Queensland. I was wrong on that.

We did. Seven international journalists came to Australia for that and we paid for their international and domestic travel.

**CHAIR:** Thank you.

**Senator TROOD:** Was that paid out of the Special Visits Program?

**Mr Richardson:** Yes, paid out of that part of the Special Visits Program that relates to the media.

**CHAIR:** Are there any further questions on portfolio overview?

**Senator TROOD:** I do not have any further questions on that.

**CHAIR:** In that case, we will turn now to outcome 1. We will go through the programs seriatim. Program 1.1 is Foreign Affairs and Trade operations North Asia. Does anyone have questions on North Asia?

**Senator RONALDSON:** I have a question on China.

**CHAIR:** That is where that is.

**Senator RONALDSON:** Thank you very much. Mr Richardson, what is the name of the current ambassador to China, please? Is it Geoff Raby?

**Mr Richardson:** Geoff Raby, yes.

**Senator RONALDSON:** When does his term end?

**Mr Richardson:** He comes out of the post in August, I believe—early August.

**Senator Conroy:** We have had some discussion on the replacements in China already.

**Senator RONALDSON:** Okay. Are you able to proffer an opinion on the role Mr Raby has provided as ambassador in China? I think he has generally been viewed as being a good ambassador for this country.

**Mr Richardson:** That is right, as acknowledged by the foreign minister a couple of weeks ago.

**Senator RONALDSON:** I gather that Mr Raby gave a recent speech. From media reports, I think in the *Age*, about this matter, he said that one of the problems he faces as ambassador to China is managing his own team, including politicians and officials. I gather that Mr Raby said:

To speak Chinese is not to know China.

The same article on 19 May quoted a supporter of Mr Rudd, who reportedly said, and I quote from the *Age*:

It might be worth the while of the now-unemployed ambassador to shut himself up ...

I do not know whether you saw that.

**Mr Richardson:** Yes, I did.

**Senator RONALDSON:** I will work backwards. One would assume that, for a quoted supporter of Mr Rudd to make that comment, there were some issues taken with the ambassador's comments. I suppose that is not a question; that is a comment. To take that back further, one would assume that the supporter of Mr Rudd thought that the ambassador was referring to Mr Rudd when he was talking about issues—

**Senator Conroy:** I thought he was referring to you.

**Senator RONALDSON:** with politicians and officials, particularly the quote—

**Senator Conroy:** I thought he was talking about you.

**Senator RONALDSON:** that to speak Chinese is not to know China. Are you aware whether, indeed, those comments from Mr Raby were directed at the foreign minister, Secretary?

**Mr Richardson:** Well, for a start, I would agree with the comment that the ambassador made that to speak Chinese is not necessarily to know China. Indeed, the foreign minister himself was very quick to agree with that comment himself. I think he was making a broad point. If you read the totality of Ambassador Raby's speech, I think it is very clear the context in which he was making it.

**Senator RONALDSON:** So do you think that the supporter of Mr Rudd's was overreacting when they said it might be worth the while of the unemployed ambassador to shut himself up?

**Mr Richardson:** That report was carried in a newspaper. I do not know who the 'supporter' was. Therefore, I do not know what was in the mind of that person. I am therefore unable to comment on what might have been in the mind of that person.

**Senator RONALDSON:** Do DFAT staff devote a significant amount of their time to what we might call, for want of a better word, 'managing' Mr Rudd? Is he a politician that requires significant management?

**Mr Richardson:** I do not believe the department spends time managing a minister. I do not believe it is the role of officials to manage a minister. It is the role of a department and officials to provide professional support to a minister, and that is what we do.

**Senator RONALDSON:** Do you know who Mr Raby might have been referring to when he said that he—

**Senator Conroy:** I thought it was you.

**Senator RONALDSON:** What are you on about?

**Senator Conroy:** I thought he was talking about you.

**Senator RONALDSON:** We really should finish these up just after lunch because you start to struggle once we get past that hour of the day. Mr Raby said that he has to manage his own team, including politicians and officials. Has Mr Raby ever indicated to you who he might have been talking about when he was talking about politicians or officials?

**Mr Richardson:** No. I think his full statement was that he had to spend some time managing his own team. He said, 'Not my own highly professional team'—or whatever—'in the embassy in Beijing, but officials and politicians in Australia.' I think he said something along those lines. I do not know who he was referring to.

**Senator TROOD:** Still on China, can you tell us how many Australians are currently detained in China?

**Mr Richardson:** I think we will get the head of the consular area up together with Mr Rowe.

**Mr Suckling:** There are currently 25 Australians in prison in China.

**Senator TROOD:** Twenty-five?



**Mr Suckling:** There are 25 in prison and 10 in detention.

**Senator TROOD:** Twenty-five in prison and 10 in detention. What is the distinction, Mr Suckling?

**Mr Suckling:** As I understand it, the distinction is that the 25 in prison have been sentenced. Those in detention have not yet been sentenced and might not be sentenced.

**Senator TROOD:** The high-profile ones—perhaps I can call them that—are Mr Hu, Mr Ng and Mr Sun. Can you tell us whether or not you have seen them recently or they have been visited?

**Mr Suckling:** Yes. Mr Hu was visited on Tuesday, 10 May. Mr Matthew Ng was visited recently as well. As I understand it, it was 18 May. The other one, Mr Sun, was visited on 12 May.

**Senator TROOD:** And how were they found to be? Were they in good health and so on?

**Mr Suckling:** In terms of our consular responsibilities to look after their welfare, there were no issues raised in any of those visits.

**Senator TROOD:** But, from your observation or from the observation of the officer who visited them, did they appear to be in good health? Accepting that they are in detention and jail, were they in acceptable circumstances?

**Mr Suckling:** That is the reporting that we got back, given the circumstances that they are in. Given that they are in prison, they are as well as they can be expected to be. No welfare issues were raised.

**Senator TROOD:** And how often are they visited, Mr Suckling, do you know?

**Mr Suckling:** That varies for the different people. As I understand it, Mr Hu is now being visited on a monthly basis, as is Matthew Ng. Mr Sun is every three months.

**Senator TROOD:** Good. Thank you. Has Mr Ng been tried yet?

**Mr Suckling:** No. He has not.

**Senator TROOD:** What progress is being made in relation to his case?

**Mr Suckling:** He is still under investigation by the Chinese authorities.

**Senator TROOD:** Do you know when his court date or his trial date is coming up?

**Mr Suckling:** No. He is still under a process of investigation so that is not yet clear.

**Senator TROOD:** Have you pressed the authorities to provide you with information on that?

**Mr Suckling:** We have. We have made a series of representations in terms of our expectation that his process be expedited. But the response from the Chinese officials is that he is in a legal process, he is under investigation and there is a series of fairly complex levels of investigation and he is currently going through them.

**Senator TROOD:** So is this comparable to the state Mr Hu found himself in a couple of years ago, where it took a long while before his trial date came up? Is that right? Is it a comparable set of circumstances? There might be different charges et cetera.

**Mr Suckling:** There are different charges and the investigations are, therefore, different. But they both went through the legal system.

**Senator TROOD:** When the Prime Minister visited China recently, did she raise the cases of these individuals with the Chinese authorities?

**Mr Suckling:** She raised the issue of the case of Mr Hu and Mr Ng with Premier Wen.

**Senator TROOD:** And not Mr Sun?

**Mr Richardson:** She raised consular cases generally but made specific reference to those two. She did raise consular cases generally.

**Senator TROOD:** Did she not raise Mr Sun's case for a particular reason? Did you give her advice about that?

**Mr Suckling:** No. But Mr Sun himself has not asked us to raise his case specifically.

**Senator TROOD:** So what are you saying, Mr Suckling? That you only raise cases where either the individual who is in detention or families have an interest or press you to raise their cases when senior ministers visit?

**Mr Suckling:** No. But, as the secretary said, the Prime Minister made representations of a general nature about consular cases.

**Senator TROOD:** Well, I understand that.

**Mr Suckling:** And then made specific references as well.

**Senator TROOD:** Why did she single those two out is what I am seeking an answer to? You have told me there are 35 people who are in some form of incarceration and the Prime Minister raised two. No doubt they are grateful for that. But I am interested to know how you have come to a conclusion that they are the only two that deserve particular attention.

**Mr Richardson:** Well, it was a general priority. The Stern Hu case does have a particular background and warranted particular mention. In Mr Ng's case, again, the circumstances of that warranted mentioning. But I believe that what the Prime Minister said in general terms about the consular cases, the Chinese authorities know all of those consular cases. The Prime Minister made representations that encompassed them all. She made specific mention of these two. But none were left out in her broader comments.

**Senator TROOD:** So her global comments encapsulated all of the 35. Is that what you are saying?

**Mr Richardson:** Certainly, yes.

**Senator TROOD:** Are there some specific concerns you have about the circumstances of Mr Ng and Mr Hu that warranted this? Is there something that is occurring to them or is there some reason we should be anxious about their circumstances that justified their case being raised?

**Mr Richardson:** Not specific in that sense. But we believed both of these cases had features which warranted a specific mention.

**Senator TROOD:** Well, I understand the background, but I am anxious that you, as the department, have some anxieties about the way they are being treated, for example, which caused you to say to the Prime Minister, 'Look, this is a matter that needs your prime ministerial intervention.'

**Mr Richardson:** Not the way they are being treated. In respect of Mr Stern Hu, as you know, there are certain aspects of the trial which we were not represented at. The general

circumstances of that case are such that we believed it was appropriate to raise it again. With Mr Ng, it was partly the fact that the investigation has been going on for some time. It is all being done consistent with Chinese law. We do not challenge that. But we thought it was useful to raise it in the hope that it could be nudged forward a bit.

**Senator TROOD:** And what sort of response did the Prime Minister get to these concerns?

**Mr Richardson:** We do not think it would be appropriate to go into the detail of the actual exchange that took place, Senator.

**Senator TROOD:** Well, can you tell me in general terms, Secretary, whether or not her intervention is likely to have a welcome outcome?

**Mr Richardson:** I think one can only measure that over time.

**Senator TROOD:** I see. We did have some concerns about the consular agreement that exists between the two countries. Is there any progress in relation to the terms of that agreement? Is there anything afoot in relation to the terms of that agreement which will result in it being reinterpreted or amended in a way that meets our concerns, Secretary?

**Mr Richardson:** I am not aware, but I will give ground to the others who might know more.

**Mr Suckling:** No. We have an agreement in place. We have dialogue around that agreement. Through that dialogue, we are continuing to explain our position in relation to Australian issues and talk to the Chinese about issues in relation to China. It has been a constructive dialogue. The consular agreement by and large is working well in terms of the various commitments that have been made. There have been some areas, for example, in relation to attendance at elements of trials, which we have registered our very strong concerns about with the Chinese and continue to do so. That has not changed, but that does not mean that we are going to change the nature of the consular agreement. We will continue the dialogue.

**Senator TROOD:** So there is no likelihood that the terms of that agreement are going to be amended? You are not in an active negotiation to try to address that particular problem about trials which caused us grief in relation to Mr Hu's case, for example?

**Mr Suckling:** From the Chinese perspective, their laws precluded us from being present at certain elements of various trials. That continues to be the case under Chinese law. So it is a matter of Chinese law rather than the consular agreement.

**Senator TROOD:** So they are not going to change it. That is the long and short of it. Is that right? They are not going to change it?

**Mr Richardson:** There is certainly no expectation on our part.

**Senator FERGUSON:** Of the 35 that are either detained or in prison, are all of those people who are Australian citizens of Chinese background or not?

**Mr Philp:** No. They are not all of Chinese citizenship.

**Senator FERGUSON:** How many are not?

**Mr Philp:** I do not wish to give you the names for privacy reasons, but I can just go quickly through my list. The vast majority are of Chinese descent.

**Senator FERGUSON:** What I am really trying to understand is of those who are of non-Chinese descent who are detained, are many of them detained for what we might loosely term petty crimes in China or are they more serious crimes, such as those of Mr Stern Hu, which we might call crimes against the state?

**Mr Richardson:** I do not think any of them would be classified as petty. Not all of them are necessarily at the end where Stern Hu was. We will take it on notice, Senator, because I think what we should provide you with is a breakdown of those who are dual citizens and those who are not. Of course, as you know, the Chinese consider that dual citizens are in fact Chinese nationals.

**Mr Philp:** That is not quite right. The situation is the Chinese do not recognise dual citizenship; that is correct. But the way they manage it is to recognise you according to the citizenship under which you entered the country. So if you are a dual citizen who enters China under a Chinese passport, they will only recognise you as a Chinese person. But if you enter under an Australian passport, even if you have Chinese citizenship, they will recognise Australian consular standing and your Australian citizenship.

**Mr Richardson:** So I think it would help if we gave you some information on that.

**Senator FERGUSON:** Do you have the numbers of non-Chinese, or is that something to take on notice?

**Mr Philp:** Purely on the basis of names—

**Mr Richardson:** I do not think we should do it on the basis of names.

**Senator FERGUSON:** I will wait until I get it on notice.

**Senator TROOD:** Do I take it, then, that all 35 of the people entered the country on Australian passports?

**Mr Philp:** No. That is not correct. We are aware of a small number who are considered by the Chinese to be Chinese citizens. But we are aware of them because we consider them Australian citizens and we know about the case. The Chinese do not recognise that standing.

**Senator TROOD:** Do you put out a bulletin about this? Is there any advice to travellers on your website?

**Mr Philp:** Yes. It is in the travel advice for China and for other countries where there is a similar problem. It is certainly not the only country where this applies.

**CHAIR:** I might just interrupt you and hand over to Senator Ludlam for a while.

**Senator LUDLAM:** Thanks, Chair. I will continue in a similar vein to Senator Trood. Mr Suckling, can you give us some advice on the state overall of the current crackdown on the legal fraternity, poets, dissidents and people expressing political opinions in China currently? I understand since the unrest in North Africa and the Middle East early this year, the Chinese government has become particularly toey.

**Mr Suckling:** I will defer to Peter on that.

**Senator LUDLAM:** If you will, Mr Rowe.

**Mr P Rowe:** Yes, there has been some nervousness in China over that and a crackdown on certain dissidents and people in China. I can confirm that.

**Senator LUDLAM:** You just repeated back to me what I said to you. Can you give us some idea of the extent to which the Chinese government is going? What is happening?

**Mr P Rowe:** Well, there have been arrests of people like Ai Weiwei and lawyers like Teng Biao, who has been released, Jiang Tianyong, Ding Fangguan and Liu Xiaobo and others.

**Senator LUDLAM:** Is this kind of behaviour repeated? Have you seen this in the past, or is this something unusual? There seems to be a wave of repression occurring at the moment.

**Mr P Rowe:** There does seem to be a more intensive crackdown at the moment, I agree, but it has happened in the past. China goes through these periods of putting a tighter rein on society and periods when it is looser. There does not always seem to be an obvious explanation for it. We can see it often ahead of major political transitions or major political events. They seem to be triggers for it, or at least times when it happens. And it can be influenced by international events because of the porous nature of communications and information these days.

**Senator LUDLAM:** This latest wave of arrests and detention and threatening behaviour has occurred since the last bilateral human rights dialogue. Has the Australian government made any representations to China since then on this subject in particular?

**Mr P Rowe:** Yes, we have.

**Senator LUDLAM:** Can you just tell us in what way?

**Mr P Rowe:** At both a political level and also at the officials level. The Prime Minister has raised it and the foreign minister has raised it with senior leaders both visiting Australia and when they have visited China. Our embassy has also made representations both following up the cases of concern that we raised at the human rights dialogue and just generally the concerns we have had about what we have seen as a more intensive crackdown. For instance, with the Kirti monastery, we raised that concern with the Chinese authorities.

**Senator LUDLAM:** What happens when we raise these concerns?

**Mr P Rowe:** Well, the Chinese tend to take it on board.

**Senator LUDLAM:** We have not noticed any changes in behaviour. Can you point to any particular outcomes?

**Mr P Rowe:** Not as a direct result of our representations. Not in the short term, no.

**Senator LUDLAM:** I am going to pronounce his name terribly badly, I suspect. Liao Yiwu was recently prevented from visiting Australia by the government of China. He had been scheduled to speak at the Sydney Writers Festival on 20 and 21 May. Is the department aware of why Mr Liao was prevented from leaving China?

**Mr P Rowe:** No. We are not. But we know that he is regarded as somewhat controversial within China.

**Senator LUDLAM:** Did the department inquire as to why he was prevented from visiting Australia?

**Mr P Rowe:** Yes. I inquired about it. I mentioned it to the embassy, yes.

**Senator LUDLAM:** And what were you told?

**Mr P Rowe:** I was told that they would look into it.

**Senator LUDLAM:** Who is 'they'? Be specific, if you could.

**Mr P Rowe:** Members of the Chinese embassy.

**Senator LUDLAM:** They would look into it?

**Mr P Rowe:** Yes.

**Senator LUDLAM:** Any follow-up or feedback since then?

**Mr P Rowe:** No.

**Senator LUDLAM:** To your knowledge or the knowledge of the department, to what extent does Mr Liao have freedom of movement in China at present?

**Mr P Rowe:** I have not heard that he is under constraint.

**Senator LUDLAM:** Under surveillance, perhaps?

**Mr P Rowe:** Maybe.

**Senator LUDLAM:** Human rights advocate Gao Zhisheng was arrested in February 2009 and re-emerged in March 2010 and told journalists that he had been tortured by police. He was arrested and vanished again earlier in April 2010. I am not aware that he has been seen since. Have you got any update on his whereabouts or the state of his welfare?

**Mr P Rowe:** No. I am sorry, I do not think I do have on that one, Senator. There are a number. I am not aware of all of them. But I will ask.

**Senator LUDLAM:** Yes. If you could. Apologies, again, for presumably mispronouncing his name. I would be interested to know whether you have made inquiries with regard to his welfare and whether you intend to pursue that matter with the Chinese government. I do not know whether Senator Trood raised the instance of the Nobel Prize winning human rights activist Liu Xiaobo, who has been in custody since June 2009. Is the department aware of his current whereabouts and the state of his welfare?

**Mr P Rowe:** No. But we have made inquiries about him. He is one of our cases of concern. He is one of the ones we raised at the human rights dialogue last year.

**Senator LUDLAM:** Thank you. We got back—and I thank you for the answer—an answer to question No. 337. I asked your minister about reference to a proposed new treaty with China for a precedent sale of Australian uranium and bulk copper concentrates. Are you aware of that answer?

**Mr P Rowe:** I am not exactly. I think that is actually the—

**Senator LUDLAM:** I am not going to go to the substance of the question. I just wanted to draw your attention to three of the answers that we got. You can decide whether you need to bring someone else forward. It was a seven-part question. In answer to three of the seven questions, you or whoever has drafted the response has written:

The government's view is that linking human rights to trade issues is counterproductive.

Can you spell out exactly what that means?

**Mr P Rowe:** I think what we are trying to say there is that were we to do that, we probably would not achieve the end we wanted, which was a better state of human rights. We would be probably cutting off our nose to spite our face. But it also seems to me that if you seek to impoverish China, you are not going to have much chance of actually bettering human

rights. Countries with better human rights records are those countries that have been able to prosper and grow rich. As countries do that, their human rights record tends to improve.

**Senator LUDLAM:** Like Saudi Arabia? I am not sure that that necessarily—

**Mr P Rowe:** No. Like South Korea, like Taiwan, like countries in South-East Asia, all of which demonstrate that when countries reach a certain rate of GNP, their human rights records and their general political circumstances improve.

**Senator LUDLAM:** Do we maintain sanctions on Burma partly because of their human rights record?

**Mr P Rowe:** You would have to ask somebody else that.

**Senator LUDLAM:** It is kind of a rhetorical question. We do have extensive sanctions and we have for decades because of their human rights record. So I do not understand why, when the Burmese regime locks up and imprisons activists and conducts extrajudicial killings and shows no respect for the rule of law and so on, we maintain some of the world's toughest sanctions along with many of our allies, but in the instance of China, we do not seek to use that leverage. I do not understand how these two things are at all consistent. The answer I was provided is:

The government's view is that linking human rights and trade issues is counterproductive.

How is it productive in the instance of Burma but counterproductive in the instance of China? I do not for the moment think that we have any chance of impoverishing China, by the way.

**Mr P Rowe:** Well, you have to ask yourself what benefit there would be in Australia imposing trade sanctions on China.

**Senator LUDLAM:** That is precisely what I am asking you. What leverage do we exercise, then? At every one of these estimates that I have attended and put these questions, the department quite diligently follows up the instance of people being summarily abducted, imprisoned, put in RTL camps and so on. The department does that work. It is greatly appreciated by us and by the families. But at no time has anybody ever been able to explain what leverage—diplomatic, trade or otherwise—we have sought to apply in order to have the Chinese officials not simply brush you off.

**Mr P Rowe:** I think as I have also said in reply to this question when you have put it to us before, I do not think you can measure it in the short term. But the point is that it does make countries like China uncomfortable to have these things pointed out to them. Just emphasising to these countries that they are going to be sitting uncomfortably at the top table because of the way they treat their own people is a very valuable weapon that we have. I think the experience of the Cold War was a good example of that.

**Senator LUDLAM:** By making people uncomfortable?

**Mr P Rowe:** Yes.

**Senator LUDLAM:** I had the good fortune the year before last to attend a delegation with the President of the Senate and a number of other MPs through China. I attended a number of formal dinners. At every single occasion, I think, the chair of that delegation raised the issue of Tibet. The Chinese officials at the table shrugged and then we carried on. I feel as though we have ritualised an expression of our discontent and made it very clear to the Chinese that we will not be seeking to do anything to back up our concerns. They are very well aware of

that. We have ritualised the expression of discontent and then we move on and carry on with whatever the discussion was about. Do you think that is a fair assessment?

**Mr P Rowe:** If there is an effective weapon that we are not aware of, or a silver bullet, we would certainly welcome knowing it. But it is not one of those things that can be solved simply. It is like a very—

**Senator LUDLAM:** I am not proposing that it is simple. I am really not proposing it is simple. It has not been simple in the instance of Burma. I draw you back to that example. Why would we propose quite serious sanctions on the government of Burma because of their human rights record but not apply anything at all, no matter how gentle or tentative, in the instance of the Chinese government?

**Mr P Rowe:** As I say, I am not responsible for countries in South-East Asia or for policy on countries in South-East Asia.

**Senator LUDLAM:** Well, North Korea, then. I am using them as an example. We do use sanctions.

**Mr P Rowe:** Our sanctions on North Korea are not simply because of their internal repression. It is also because of the threat they pose directly to the Republic of Korea in the south.

**Mr Richardson:** It is overwhelmingly because of concerns relating to their nuclear program.

**Senator LUDLAM:** Mr Richardson, if Mr Rowe is not keen or not comfortable to reflect on the instance of Burma, maybe you could give us a broader perspective on why sometimes we do pursue all kinds of leverage—diplomatic, trade and otherwise—to improve human rights situations, even though it is not perfect. But in the case of the Chinese government, we do not appear to want to do such a thing.

**Mr Richardson:** It comes down to a judgement governments might make about the totality of their relationship and what is the best way forward.

**Senator LUDLAM:** We are more scared of offending China than we are of offending Burma?

**Mr Richardson:** I would not put it in those terms.

**Senator LUDLAM:** How would you put it?

**Mr Richardson:** In the way I just did.

**Senator LUDLAM:** You did not put it in any way at all. You said it is a judgment call.

**Mr Richardson:** No. Governments make the judgement. They make a judgment call in the context of the totality of a relationship.

**Senator LUDLAM:** Chair, I want to move on to the subject of Tibet, which is in the same bracket. If there are any other general questions of China, I will cede to Senator Trood.

**CHAIR:** Proceed, Senator Ludlam.

**Senator LUDLAM:** I was not sure if there was a separate bracket for Tibet or not. I was not intending to be cheeky. In the House of Representatives on 23 May, the Prime Minister indicated that she did not at that time, a week or two ago, have a meeting scheduled with His Holiness the Dalai Lama and that any decision would be taken closer to the time. It is now



closer to the time. Can you tell us whether or not the Prime Minister intends to meet with His Holiness when he visits Australia between 9 and 20 June?

**Mr Richardson:** As far as I am aware, Senator, a decision has not been taken.

**Senator LUDLAM:** Will one be taken closer to the time?

**Mr Richardson:** I would think so.

**Senator LUDLAM:** When considering the decision, did the Prime Minister and the department recognise that in March the Dalai Lama handed over formal political power to an elected leader in exile, Dr Lobsang Sangay, and in that form devolved all political responsibilities? He is now essentially the spiritual leader of Tibet.

**Mr Richardson:** Understood.

**Senator LUDLAM:** You are very well aware of that. Prior to a visit to China, the Prime Minister told the media that she would raise the issue of Tibet in her meetings. Did she in fact raise that issue with Chinese leaders during her visit in April?

**Mr Richardson:** Yes, she did, Senator.

**Senator LUDLAM:** I respect that most of the content of those meetings is secret, or is it confidential, there having been a couple?

**Mr Richardson:** Confidential; that is right.

**Senator LUDLAM:** What can you tell us within those restrictions about the form in which she raised those concerns?

**Mr Richardson:** The Prime Minister raised Australia's concerns in respect of the treatment of ethnic minorities, concerns in respect of religious freedom and our concerns in respect of human rights activists in China.

**Senator LUDLAM:** That trip was taking place against the backdrop of deepening and quite serious unrest at a monastery, which I think Mr Rowe might have mentioned before, in eastern Tibet after a young monk set himself on fire on the third anniversary of the uprising in 2008. Do you know whether the Prime Minister raised that issue specifically?

**Mr Richardson:** Not specifically.

**Senator LUDLAM:** Mr Richardson, were you in those meetings? Were you part of that?

**Mr Richardson:** Yes, I was.

**Senator LUDLAM:** In attendance. Has the Australian government raised the issue of that crackdown against the 2½ thousand-odd monks at the Kirti monastery with the Chinese government?

**Mr P Rowe:** Yes, Senator. As I said, we raised that just recently.

**Senator LUDLAM:** What was the response? Was it just noted and then we moved on?

**Mr P Rowe:** As I said, they took it on board.

**Senator LUDLAM:** They took it on board.

**Mr P Rowe:** We have not had a response on it.

**Senator LUDLAM:** That is encouraging. Has our embassy in Beijing made any inquiries to visit the monastery or that region?

**Mr P Rowe:** I have not had information that they have, but I think I could say they have not, no.

**Senator LUDLAM:** I have a couple of questions relating to what officials in our embassy may or may not have done, so take some of these on notice if you do not have the information at the table. That would be my first question. Did the government plan to make a public statement on the crackdown? I note that the United States government did express its concern in a statement by the state department in April. Has the Australian government said anything in relation specifically to that issue?

**Mr P Rowe:** No, Senator.

**Senator LUDLAM:** Does the government intend to do so?

**Mr P Rowe:** It has not been our intention—

**Senator LUDLAM:** Why is that?

**Mr P Rowe:** so far. It is not something that we have considered actively.

**Senator LUDLAM:** Not a priority. I encourage you to consider that actively. The United States embassy in Beijing, I understand, has an officer designated on Tibet affairs. I think the British embassy in Beijing has a human rights desk officer who covers Tibet, among other things. And various staffers make field trips into the TAR from time to time. Is there anyone in the Australian embassy, in Beijing or any of our other offices, charged with specific responsibilities on Tibet?

**Mr P Rowe:** Well, there is an officer whose responsibility is to cover human rights, which includes Tibet.

**Senator LUDLAM:** Okay. What can you tell us about what that officer gets up to day to day?

**Mr P Rowe:** He maintains contact. He monitors the situation and maintains contacts with people that he can speak to in China and with members of other embassies with similar interests, like the United States and the United Kingdom. He reports on that. He also would advise and accompany senior officers and the ambassador when they made representations about human rights.

**Senator LUDLAM:** To the extent to which those reports do not constitute advice to the minister—and perhaps they all do—is it possible to table any of the recent reporting of that officer specifically for this committee?

**Mr Richardson:** No. It would not be.

**Senator LUDLAM:** Can you spell out the reason why not.

**Mr Richardson:** Confidentiality.

**Senator LUDLAM:** Advice to the minister or confidential to whom?

**Mr Richardson:** Reporting from the embassy is confidential.

**Senator LUDLAM:** Does that person or anybody else visit the Tibet Autonomous Region or other Tibetan areas and Chinese provinces with any degree of frequency?

**Mr P Rowe:** I would have to check on the dates of embassy visits. But I know that our ambassador has visited Tibet, and we would have been accompanied by relevant officers from the embassy.

**Senator LUDLAM:** When was the last time?

**Mr P Rowe:** I am sorry, but I would have to check.

**Senator LUDLAM:** Can you provide us with any details on visits that you think would be relevant within the last 24 months or so? What kind of mechanism does Australia have in place, if anything, to monitor human rights abuses in Tibet or in some of the other provinces where there is ethnic unrest?

**Mr P Rowe:** I cannot give you the operational details that our officers in embassies maintain on a day-to-day basis. But, from my own experience as an officer who has been involved in that kind of thing, it is a matter of talking to contacts in the community who know, and other embassies, who would also have contacts. Following that up and monitoring reports in the media, the press, blogs et cetera would be the main means.

**Senator LUDLAM:** Can you provide us with any written criteria that the government uses to assess and make those judgement calls that you referred to before about when the Australian government will use more than simply raising a human rights issue with any particular government? Do you know what I am asking?

**Mr Richardson:** There is certainly not a written set of criteria. It is normally a judgment call made by the government of the day.

**Senator LUDLAM:** So, in offering to take it on notice, you are fairly sure that no such things exists?

**Mr Richardson:** Yes.

**Senator LUDLAM:** You are not able to provide us with any further information about how those judgment calls are made?

**Mr Richardson:** No. It is a judgment call for the government of the day.

**Senator TROOD:** When Mr Rudd made a speech on China earlier this month he mentioned the need for China to be brought into international institutions. That was part of the position he stated in that speech. Is that desire of his part of a conscious policy objective that the Australian government has now set itself—to bring China into international institutions?

**Mr Richardson:** I think it has been an objective of successive Australian governments. I do not think it has just started; it really goes back some time.

**Senator TROOD:** So this is not an initiative that we are about to commence in relation to China?

**Mr Richardson:** I stand to be corrected, but I think the Howard government had an objective of engaging China, involving them in international organisations and, through that, subjecting them to international norms as far as possible. And I think the Rudd and Gillard governments have continued with that.

**Senator TROOD:** That was indeed the position of the Howard government. Just so there is some continuity here in relation to this policy objective, is there any intention to try to encourage or support China's participation in any particular institutions as part of advancing this policy objective? I think the EAS is one.

**Mr Richardson:** They are engaged in it.

**Senator TROOD:** But they are founding members, almost.

**Mr Richardson:** Yes, that is right. Let us work through it. The G20 and the EAS, globally and regionally, are very important—and bedding down the G20, the way the bigger economies will work together there in terms of the global financial environment, and the like. The EAS is broadening the agenda and maintaining the current economic agenda but adding political and strategic matters to it. China has been quite an important member of the six-party talks—and we are not a member—which, of course, have now been suspended for a while, and of the UN forums et cetera. Wherever there are regional and global organisations which we believe could benefit from China's active engagement, then we encourage that. Where they are already members, we seek to encourage them to engage constructively and the like.

**Senator TROOD:** Is it part of our message to China that we want China to play a higher profile or a more active role in these institutions? Is that how we might interpret this policy direction?

**Mr Richardson:** I would use the word 'constructive'.

**Senator TROOD:** To the exclusion of any other words that I used?

**Mr Richardson:** Well, if you take the climate change negotiations in Copenhagen at the end of 2009, China engaged actively, but we would have liked to have seen it engage more constructively.

**Senator TROOD:** So it was not a constructive participation from China at that time, in your view, obviously?

**Mr Richardson:** It was not as helpful as what it might have been.

**Senator TROOD:** Are there any institutions beyond those you have mentioned where we think China ought to be playing a constructive role?

**Mr P Rowe:** I cannot think of any important or major institutions. What we are trying to do is to embed China in the system of international organisations as deeply as possible. There are unilateralist tendencies and there are international tendencies; we want to see the internationalist tendencies within the Chinese polity prevail.

**Senator TROOD:** Is this what we think is going to happen?

**Mr P Rowe:** We want to see it happen. We think that is best for both China and the world.

**Senator TROOD:** But is the underlying theory of international affairs that is operating here that, if we can get China embedded in international institutions, it will play a more constructive role in world affairs?

**Mr Richardson:** Yes—the more international organisations China is involved in and signs up to. And I think we have seen it. I think China engages with the world very differently today than what it did, say, 40 years ago. If you take that longer term perspective, I think we have seen enormous benefit for the world as a whole in the way China engages. That has been a result of its own decision making and it has been a result of the encouragement of the rest of the international community. I think we have had quite a long-term goal here. I suspect that if you got Prime Minister Hawke, Prime Minister Keating, Prime Minister Howard, Prime Minister Rudd and Prime Minister Gillard together on this broad question you would find broad agreement about the strategic objective here.

**Senator TROOD:** An interesting idea—that they should all be together. Is there a danger that China, having become actively involved in these things, might in fact become more obstructive in relation to these institutions?

**Mr Richardson:** There is always that risk but, as a broad generalisation, it is better to be inside the tent than outside it.

**Senator TROOD:** I want to go back to some human rights questions in relation to the visit of Ms Kadeer. I understand that Mr Rudd indicated at a press conference in March ahead of her visit that he had provided an authorisation for her visa to come to Australia. He also said that he did not intend to meet Ms Kadeer. Is that right?

**Mr P Rowe:** That is right.

**Senator TROOD:** And he did not meet her?

**Mr P Rowe:** No, he did not meet her.

**Senator TROOD:** Did he receive a request from her to meet with her?

**Mr P Rowe:** I would have to check that; I cannot recall; he may well have done. My sense is that he did receive a request from the organisers of her visit. Yes, it is coming back to me. He did, but he was unable to meet with her. His diary did not allow it.

**Senator TROOD:** Or he chose not to?

**Mr P Rowe:** Or he chose not to.

**Senator TROOD:** Why did he choose not to? Why did he not meet her?

**Mr P Rowe:** He made the decision not to. His diary did not allow it.

**Senator TROOD:** So this was purely a diary clash, was it?

**Mr P Rowe:** Well, it was a scheduling issue.

**Senator TROOD:** So it was a scheduling issue. It was not anything to do with his view that Australia's position or his relationship with the Chinese might be compromised were he to meet with her?

**Mr P Rowe:** No, I do not think that was the deciding factor. We have to weigh up whether the minister needs to meet everybody who makes a request for a meeting.

**Senator TROOD:** Certainly. But Ms Kadeer is not just anybody, is she? She is an international figure with a distinguished reputation; indeed, she is lauded internationally for her position on human rights questions. She is hardly just anybody. She is a woman of great distinction and achievement and in a very difficult situation.

**Senator KROGER:** She certainly is.

**Senator TROOD:** So one could hardly dismiss her as just anybody who might like to see Mr Rudd.

**Mr P Rowe:** No. But he makes priorities and, on this occasion, he was unable to meet her.

**Senator TROOD:** So it was not that he was concerned about the consequences or the ramifications for our relationship with China?

**Mr P Rowe:** That is not my understanding.

**Senator TROOD:** It was just a scheduling issue, was it? Did you or the department receive any representations from the Chinese embassy about either approving Ms Kadeer's visa or the approach we should take in relation to an invitation that they meet?

**Mr P Rowe:** The Chinese always oppose. They have a particular thing about Rebiya Kadeer. They do not want to see her being received in countries; they do not want to see her receiving a visa. This was not a position we were prepared to follow.

**Senator TROOD:** And they made representations to you along that line?

**Mr P Rowe:** I think they made low-level ones, yes.

**Senator TROOD:** So they told you that they did not want the Australian government to give—

**Mr P Rowe:** They have told us many times that she is a splittist, a traitor to the country, and that we should not encourage her.

**Senator TROOD:** And giving her a visa is 'encouraging her'? And they did so on this occasion. Is that right?

**Mr P Rowe:** As I recall, yes.

**Senator TROOD:** Ahead of her visit?

**Mr P Rowe:** As I recall, yes.

**Senator TROOD:** So they made representations for you not to give a visa to her. Did they make any representations about the Prime Minister or any other senior ministers of the Australian government meeting her?

**Mr P Rowe:** I think that would follow, but I cannot say specifically that I recall their making that request.

**Senator TROOD:** Perhaps you would look into that for me.

**Mr P Rowe:** I will check if you like.

**Senator TROOD:** Just for your information, there is advice that an invitation for a meeting was indeed extended by Mr Ala, who was the visit organiser. He said:

We received no response, positive or negative.

Perhaps you would look into it for me. We had some discussion on the last occasion we were here about the matter of the prisoner exchange agreement with China. I had a discussion with Mr Philp about that, did I not? What is the status of this agreement?

**Mr Suckling:** It is the same as it was last time, which is that it is currently in front of JSCOT.

**Senator TROOD:** So it has not emerged from the committee?

**Mr Suckling:** No.

**Senator TROOD:** What is your understanding about when that might happen?

**Mr Suckling:** My understanding is that it is going to emerge soon, but we do not have an exact date.

**Senator TROOD:** I think you may have said that to me on the last occasion that we met.

**Mr Richardson:** It must have been Mr Philp because Patrick has only been in his job a couple of weeks.

**Senator TROOD:** No, I do not think it was Mr Suckling. I think it was you, Mr Philp.

**Mr Philp:** That is correct. At that point, I said it had only just gone to JSCOT a few days prior to our meeting.

**Senator TROOD:** So we are at least on from there. I do not know whether I asked you this last time, but if the agreement is approved by the committee and ratified, do we intend to make use of its terms immediately in relation to any prisoners that may be imprisoned in China?

**Mr Suckling:** As I understand it, we would have to act initially upon the approval of the treaty regulations to implement the treaty. Once the treaty has been implemented—and China has already done that—it is up to individual prisoners to apply for a prisoner transfer agreement. It is a matter for the respective governments, and even Australian states, to come to an agreement in terms of the prison in which the prisoner may serve their sentence. And then a prisoner transfer can occur. That is the process as I understand it.

**Senator TROOD:** So the hold-up in relation to completing the agreement is on the Australian side rather than the Chinese side?

**Mr Suckling:** Yes.

**Senator TROOD:** Have you received notice of anybody who wishes to take advantage of the agreement at this stage?

**Mr Suckling:** I am not aware of anybody who wants to take advantage of it—because it does not exist at this stage.

**Senator TROOD:** I know Senator Ludlam made some passing observations about the human rights dialogue between Australia and China, but I just want to clarify something. Ahead of the dialogue meetings, is it the practice of the department to seek the advice of NGOs, agencies and interest groups that have some interest in the human rights area as to what should be on the agenda of those meetings?

**Mr P Rowe:** Yes. We try to make them as extensive as possible—consultations with NGOs and other interested people, including the Human Rights Commission.

**Senator TROOD:** When is the next meeting of the dialogue?

**Mr P Rowe:** With China?

**Senator TROOD:** Yes.

**Mr P Rowe:** We had the last one in December, you will recall, and that had been delayed. We hope to have the next one in September or October.

**Senator TROOD:** This year?

**Mr P Rowe:** Yes.

**Senator TROOD:** Is that here, or there?

**Mr P Rowe:** It is here this time.

**Senator TROOD:** Have you, ahead of that meeting, met with the NGOs et cetera to establish the foundations of an agenda?

**Mr P Rowe:** No, not yet—not to my knowledge.

**Senator TROOD:** Do you have that scheduled at all?

**Mr P Rowe:** No. We would schedule it closer to the time that we had agreement with the Chinese to a date. That is often the problem.

**Senator TROOD:** And at the moment you do not have a date?

**Mr P Rowe:** No.

**Senator KROGER:** I noted only last week that TEPCO, the operator of the Fukushima nuclear plant in Japan, came out and acknowledged that there had been a meltdown at two of the plants. In the context of us sending assistance there, when were we first given a brief in relation to particular concerns about the instability of the various reactors there and what advice did we receive?

**Mr Richardson:** Immediately after the earthquake—the earthquake occurred on Friday, 11 March—with the early reports in respect of Fukushima and the reactors there, the issues arose reasonably quickly. But we have been very much dependent upon what the Japanese have advised. They slowly became more open. As you know, the IAEA came in and the Americans sent some assistance there as well. We were aware of the possibilities, but we were not aware of the full extent until later.

**Senator KROGER:** More to the point, were you or the minister's office formally advised at any point that there had been a meltdown of those reactors?

**Mr Richardson:** Not at the time, no.

**Senator KROGER:** But subsequently?

**Mr Richardson:** Subsequently.

**Dr Floyd:** The information flow in any crisis, as you would appreciate, is always piecemeal, as you come to understand what is happening. There was conjecture about meltdown early on, but no formal reporting or hard evidence. It was explicitly stated by TEPCO at a later stage that their view was that there had been a meltdown in three of the reactors at that site. We were using as a point of truth the International Atomic Energy Agency's distribution of information as well, as they would have been collecting that from various sources.

**Senator KROGER:** So we did not receive any formal advice other than what we have all been reading about before the Prime Minister's visit in April?

**Mr Richardson:** We would need to take it on the record. I do not think we should be guessing as to precisely when we got it.

**Senator KROGER:** That would be helpful. I am interested to know, firstly, whether we received formal advice and, secondly, whether it was in effect when the Prime Minister visited the country. It may well have been then.

**Mr Richardson:** I stand to be corrected but I cannot recall any formal advice during the Prime Minister's visit of matters relating to Fukushima that we were not previously aware of. The communication was very much on the technical side, not on the political side. The communication was between the Japanese nuclear authorities, the IAEA and the Australian nuclear authorities.

**Senator KROGER:** I appreciate, as I think everyone does, how slow we all were to glean any information out of what was happening there around that time. I want to move to an



article that I read on 24 March in relation to DFAT providing potassium iodide tablets to Australian expats in Japan.

**Mr Richardson:** We did send some up; as to whether we distributed them, I am not quite sure.

**Mr Suckling:** As a contingency, on 15 and 16 March we sent 2,200 iodine packages up to the Tokyo embassy, but they were never distributed.

**Senator KROGER:** So they are still sitting there at the embassy? They were not needed?

**Mr Suckling:** They were not needed, and we were following the advice of ARPANSA in that matter.

**Mr Richardson:** It was important. I remember the advice. The professional advice and the medical advice was that you do not take iodine tablets lightly. Therefore, you do not distribute them to individuals unless there is an assessment of real need; and then age comes into it.

**Senator KROGER:** I was going to ask whether they had a life span.

**Mr Richardson:** No, age in terms of people. People below the age of 40 have a greater absorptive capacity for iodine than people above 40; the younger you are, the higher the risk. There were some individuals who thought getting their hands on iodine tablets and taking them was the answer, but it would not have been. So we sent them up but, as Patrick said, they were not distributed.

**Mr Suckling:** The judgement of ARPANSA and the department of health was that the level of radiation that any Australians were exposed to was not such that any distribution of iodine would be warranted.

**Senator KROGER:** Has there been any more recent analysis done? I notice there was a lot of speculation about the content in food—in fish stock and so on. Has there been any recent advice to our expats?

**Mr Richardson:** The most recent advice will be in the travel advisory. But we have been advised two things about the advice which the Japanese authorities provided in respect of radioactive levels in food.: firstly, they have very strict standards; and, secondly, we can take as credible what they were publicly saying. So our advice, from memory, to Australian citizens in Japan was to follow the advice of the local authorities in respect of the safety of local food and drink.

**Senator KROGER:** Thanks. Do the tablets have a lifespan?

**Mr Richardson:** I do not know.

**Dr Floyd:** The advice from the health department is that the potassium iodide is quite stable. So they are not so worried about the lifespan. But all things will have some lifespan. It is more about the age of the recipients rather than the lifespan of the drug.

**Senator KROGER:** Thank you.

**Senator LUDLAM:** Senator Trood may have covered this. I wonder if Australian government personnel stationed in Japan were moved out of Tokyo, as the staff of some other countries were, when embassies, I think, were moved to the south and west of the country?

**Mr Richardson:** No. We did not. We saw no necessity for that whatsoever. All the professional advice that we had said that that was not necessary. After a while, we did give dependants of people in the embassy the option of leaving the country.

**Senator LUDLAM:** Okay. But people were not moved out of Tokyo, for example?

**Mr Richardson:** No. We saw no need to move officials out of Tokyo further south.

**Senator LUDLAM:** What kind of services did our embassy offer Australians residing in or travelling in Japan at the time?

**Mr Richardson:** Sorry?

**Senator LUDLAM:** What kind of services did the Australian embassy offer Australians residing in or travelling in Japan at the time?

**Mr Richardson:** We offered them the full range of consular assistance.

**Mr Philp:** I think the secretary has the basis of it absolutely right. We offered the full range of consular assistance. We moved a number of staff from Australia to Japan to extend that assistance, where appropriate. We sent a number of consular officers to Sendai, the heart of the hardest hit region, to extend consular assistance to any Australians who might have been caught there. We spent a great deal of time and effort trying to contact every Australian we thought could conceivably be within the hardest hit zones to make sure that they were okay and safe. We had a 24-hour operation at both international airports to help Australians trying to leave the country. We gave some financial assistance to a number of Australians who required help to get out. Mr Rudd waived passport fees for Australians who had lost their passports or needed them in a hurry. I think that covers most of it.

**Senator LUDLAM:** Is it correct that the Australian government recommended, presumably, Australian citizens stay 80 kilometres away from the epicentre of the quake? Is that the figure that was used?

**Mr Richardson:** Not the epicentre of the quake.

**Senator LUDLAM:** I beg your pardon.

**Mr Richardson:** The zone. I think, Senator, you may be referring to the area around the nuclear reactor.

**Senator LUDLAM:** I beg your pardon.

**Mr Richardson:** That expanded over time. The initial advice, I think, might have been 10 or 20 kilometres. Then it was the Americans who recommended 80 kilometres and we followed suit.

**Dr Floyd:** There was an in-between step. It went from 20 kilometres to 30 kilometres. And then when the Americans extended out to 80 kilometres, we changed our advice in similar form.

**Senator LUDLAM:** It is a bit ambiguous as to what the Japanese government is maintaining. My understanding is it is still between 20 and 30 kilometres. Why did the Australian government choose a larger exclusion zone?

**Mr Richardson:** Well, it would have been very difficult to sustain publicly a position where the Americans were recommending 80 kilometres and we were recommending

something else. To be brutally frank, we would have been on a hiding to nothing. So we went with the more cautious assessment. We therefore went with the 80 kilometres.

**Senator LUDLAM:** Because I probably would have come in here and said all sorts of mean things.

**Mr Richardson:** You would not have said that, Senator.

**Senator LUDLAM:** Has the department sought to ascertain whether Australian uranium which is sold to TEPCO and to other utilities in Japan was in the plant at the time of the meltdowns?

**Mr Richardson:** No. There is a tracking thing in relation to uranium. Rob might be able to give some details on that.

**Dr Floyd:** The Japanese use uranium from a range of sources around the world, including Australia. It certainly is possible that Australian uranium could have been in the fuel rods or the spent fuel that was at the Fukushima Dai-Ichi site. We do not know that at this stage. But when we have our bilateral consultations, which will be held later this year, that is an issue that we would follow up as a matter of course in that discussion.

**Senator LUDLAM:** So it is not a matter that we cannot find out. I know that some of that information is probably considered to be commercially sensitive. It is just that the right avenues have not opened up yet for us to establish that?

**Mr Richardson:** The right authorities will at the right time find that out. Again, to be frank, Senator, I do not believe that is a priority for us. What has happened has happened. We export uranium to Japan. In fact, we provide about 20 per cent of Japan's uranium. So at any one time that uranium could be in any of their power plants. But in the normal course of events we will ascertain that.

**Senator LUDLAM:** When will be an appropriate time for me to ask these questions again?

**Mr Richardson:** Well, I think it would be worthwhile checking again at the next Senate estimates.

**Senator LUDLAM:** I will put you on notice that that is a question we will put to you then. I wonder whether the department is aware of condolences that were expressed from Aboriginal people in the Northern Territory, which were translated into Japanese and circulated quite widely in Japan, expressing regret that radiation problems at Fukushima were fuelled by uranium derived from Aboriginal traditional lands. One of those messages was actually featured on the front page of the *Melbourne Age*. Is the department aware of those messages?

**Mr Richardson:** I do not know whether others were. I was not.

**Senator LUDLAM:** I draw your attention to that now. Those messages were conveyed directly immediately after the disaster. How would the department characterise the quality and the quantity, but particularly the timeliness, of information provided by TEPCO and the Japanese government on the situation?

**Mr Richardson:** It improved as time went on. Initially it was—

**Senator LUDLAM:** You are a diplomat, Mr Richardson.

**Mr Richardson:** Well, that is what I am paid to be. It was initially a bit slow, I think, as you know. I think that caused some issues within Japan itself because quite obviously it is important in any disaster, regardless of its cause, for the public to have confidence in what the authorities are saying. I think the Japanese authorities were sensitised to that. The accuracy and timeliness of their information and advice improved. Bear in mind that initially they were dealing with a very difficult situation. I was in Sendai. Patrick Suckling was then working in the Department of Prime Minister and Cabinet. We accompanied the Prime Minister to Japan. I have to say that, seeing the area of the devastation, I would not seek to second-guess how another country might handle a disaster of that magnitude.

**Senator LUDLAM:** Indeed. I will leave it there. Thanks, Chair.

**CHAIR:** Further questions on North Asia?

**Senator TROOD:** Mr Rowe or somebody, can you give me a status report on our anti-whaling action?

**Mr R Rowe:** The Australian memorial, which I referred to at our last estimates hearing, was formerly lodged with the International Court of Justice registry on 9 May. The next step is for Japan to lodge its counter-memorial. They have until 9 March next year to do so. That is the current state of the proceedings.

**Senator TROOD:** That is the equivalent of, what, a statement of claim in domestic jurisdictions? Is that right?

**Mr R Rowe:** That is correct, yes. The memorial sets out Australia's case and the argumentation in support of that case.

**Senator TROOD:** And what is our case?

**Mr R Rowe:** The essence of the case is that Japan has failed to observe the prohibition on commercial whaling agreed under the international convention which regulates whaling. They have conducted whaling in contravention of that moratorium. They have also conducted whaling in the Southern Ocean sanctuary, again in contravention of the decisions of the International Whaling Commission. Beyond that, Senator, I am not able to comment on the content of the memorial. The memorial itself is confidential until such time as the court decides under its rules of procedure to make the memorial public.

**Senator TROOD:** So there are two essential claims. Is that right? Our case rests on these two allegations in relation to Japanese whaling behaviour?

**Mr R Rowe:** Well, I have stated what the essence of the case is. Of course, Japan also, as you would be aware, claims that it is conducting scientific whaling in accordance with the convention. Australia obviously disputes that and has consistently taken the view that so-called scientific whaling is in fact a guise for commercial whaling.

**Senator TROOD:** But the two points you made to me are the foundations of our case. Is that right?

**Mr R Rowe:** In essence, yes, exactly. What I said in summary is the actual basis of the case.

**Senator TROOD:** I see. So we do not have any subsidiary allegations that we are making in relation to Japan as part of the case?

**Mr R Rowe:** Our essential basis is as I have said it.

**Senator TROOD:** Have there been, in light of this development, any further discussions with the Japanese? Have they responded to this? I know you have said to me that there has to be a formal response in the court. That is all very understandable. But has there been any diplomatic engagement in light of this particular development?

**Mr R Rowe:** No. Not specifically on the case, no. Not in relation to the memorial or Japan's next step, no.

**Senator TROOD:** We are now headed unalterably upon a litigious path to try to solve this issue. Is that right?

**Mr R Rowe:** That is correct, Senator, yes. The government has made it very clear that despite efforts over many years to reach agreement with Japan to resolve the differences of view that we have on Japan's whaling activities, those unfortunately were unsuccessful. So the government decided it had no alternative but to take the step of legal proceedings in the International Court of Justice.

**Senator TROOD:** Mr Rowe, was the memorial settled by legal advisers in the Australian government, or was there outside counsel or advice drawn in?

**Mr R Rowe:** The Attorney-General's Department has had the primary responsibility for preparing the memorial, in close consultation with other agencies, particularly the Department of Foreign Affairs and Trade and SEWPaC, the department of the environment. Of course, Australia has engaged counsel to represent Australia in the proceedings. Those counsel have been involved in various stages of settling the memorial.

**Senator TROOD:** And who have we engaged?

**Mr R Rowe:** Senator, I can inform you that James Crawford is one of those counsel.

**Senator TROOD:** Is he the senior counsel? He is a noted international lawyer?

**Mr R Rowe:** Indeed. Absolutely. He is the foremost Australian international lawyer.

**Senator TROOD:** He has a junior, I assume? There are other members of the legal—

**Mr R Rowe:** There will be other members in the team. Obviously, Senator, I cannot give you their names at the present stage because, in that sense, the full team has not been constituted.

**Senator TROOD:** He is a formidable international lawyer, of course. So we have Mr Crawford engaged but no other members of the team at this stage?

**Mr R Rowe:** Well, other individuals have been consulted, but I think you would have to ask the Attorney-General's Department about that, given their primary responsibility.

**Senator TROOD:** Has Mr Crawford been engaged with a retainer?

**Mr R Rowe:** Senator, you would have to ask the Attorney-General's Department on that because it is their primary responsibility. It is not ours.

**Senator TROOD:** Mr Rowe, what figure have you set aside for the Department of Foreign Affairs and Trade's contribution to the costs of this case?

**Mr R Rowe:** Senator, we have been allocated \$4.3 million over a four-year period to cover the department's involvement and activities in relation to the case.

**Senator TROOD:** But you are not solely bearing the costs of this litigation?

**Mr R Rowe:** Correct.

**Senator TROOD:** It is being spread among other departments—the Attorney-General’s and environment?

**Mr R Rowe:** Well, I know the Attorney-General’s Department, obviously, given their lead role in the case, would have costs associated with that or funding associated with that. As to other departments or other agencies, I just do not know that.

**Senator TROOD:** Professor Charlesworth has been appointed as an ad hoc judge for the proceedings. Is that correct?

**Mr R Rowe:** Correct.

**Senator TROOD:** And she is equally an eminent international lawyer?

**Mr R Rowe:** Indeed.

**Senator TROOD:** Was that the Australian government’s nomination?

**Mr R Rowe:** Absolutely. Parties which have cases before the International Court of Justice are entitled, when they do not have a judge of their own nationality on the bench of the International Court of Justice, to appoint an ad hoc judge. It is in that regard that Professor Hilary Charlesworth has been appointed.

**Senator TROOD:** I think it is a while since we have had a judge, is it not, on the court?

**Mr R Rowe:** Yes. That is correct.

**Senator TROOD:** Does Japan have a permanent judge on the court?

**Mr R Rowe:** Yes. Judge Owada, who is currently president of the court.

**Senator TROOD:** And the Japan memorial is by 9 March?

**Mr R Rowe:** It is 9 March, yes.

**Senator TROOD:** Thank you. I do not have any further questions.

**CHAIR:** Further questions on North Asia? Senator Ludlam, do you have questions on other parts of North Asia?

**Senator LUDLAM:** I have a couple. Are you aware of how many people have been internally or externally displaced as a result of the unusually extreme winter and drought that they are experiencing in Mongolia at the moment?

**Mr P Rowe:** I would have to take that on notice. I do not have those details.

**Senator LUDLAM:** Are any of our programs assisting the Mongolian government to address the impacts of climate change in Mongolia? Do we do anything explicitly in that regard?

**Mr P Rowe:** That would probably be a question that you would have to ask AusAID.

**Senator LUDLAM:** As it relates directly to the aid budget?

**Mr P Rowe:** But we have provided more than \$50 million in development assistance and humanitarian aid since 1995. We have an extensive scholarship program of some \$8.8 million this year.

**Senator LUDLAM:** Is that all within AusAID’s remit?

**Mr P Rowe:** Yes.

**Senator LUDLAM:** Can you tell us about the Australian government's support for the Mongolian mining sector? Is that also AusAID or is that more in your domain?

**Mr P Rowe:** We are providing practical assistance to develop their capacity and legal expertise in mining policy and law. That has been some \$¾ million between 2008 and 2010.

**Mr Richardson:** That is AusAID funding.

**Senator LUDLAM:** That is AusAID as well?

**Mr Richardson:** Yes.

**Mr P Rowe:** All that would be AusAID.

**Senator LUDLAM:** So supporting the Mongolian mining sector is part of our aid budget. I will go to AusAID directly, in that case, and find out exactly what the nature of that assistance is. I will come back later with AusAID, in that case.

**Senator TROOD:** I have one more question. Mr Rowe, do you cover Korea?

**Mr P Rowe:** Yes.

**Senator TROOD:** Can you provide us with an account of the celebrations that are taking place this year in relation to the anniversary of recognition—is it 60 years?

**Mr P Rowe:** Sixty years.

**Senator TROOD:** I thought it was. We are halfway through the year almost. I know that the Prime Minister has been there. I applaud that visit on her behalf. Are there other events planned to recognise this very important relationship and the progress we are making in it?

**Mr P Rowe:** Well, we have actually had a year of emphasising Korea as a specific cultural target, which has been in major galleries and performances and things like that.

**Senator TROOD:** Is there anything further planned for the balance of the calendar year or not?

**Mr P Rowe:** No. I think that really the emphasis is now on what Korea will be doing here.

**Mr Richardson:** The Prime Minister visited Korea, of course.

**Senator TROOD:** I note that. I know there have been some functions here and the cultural event last year, I think it was. Are there any other events planned for the balance of the year?

**Mr P Rowe:** Well, we will have a young political leaders dialogue coming up in the later part of the year. I think it is October.

**Senator TROOD:** That is in Australia, is it?

**Mr Richardson:** Yes.

**Senator TROOD:** Is there anything else occurring?

**Mr P Rowe:** We hope that the Prime Minister will visit from Korea.

**Senator TROOD:** This is nothing more than a hope at the moment. Is that right?

**Mr P Rowe:** No. It is planned. We have not got a date yet.

**Senator TROOD:** That is fine. So he is planning to visit Australia in the second half of the year. Is that right?

**Mr P Rowe:** Yes.

**Senator TROOD:** Thank you.

**CHAIR:** We have completed North Asia. We will turn now to South-East Asia.

**Senator LUDLAM:** Thanks very much, Chair, and thanks, Senator Trood. Welcome back, Mr Borrowman. Last time we met, which was I think shortly after the November election in Burma—a month or two—there had not been any formal communication between the Australian government and the new government in Burma. Is that still the case?

**Mr Borrowman:** Senator, when you say ‘formal communication’, from Canberra, the minister has sent a letter to his counterpart. We have had a change of ambassadors in Rangoon in that period, so the new ambassador has recently presented credentials. So in country, I cannot recall the exact exchange that you are referring to, but certainly we have had ongoing official communications.

**Senator LUDLAM:** That is more or less what I am referring to. Is it possible for a letter of that nature to be tabled for the committee?

**Mr Borrowman:** It would not be normal, Senator.

**Senator LUDLAM:** It would not be normal?

**Mr Borrowman:** Just ministerial correspondence. It is intergovernmental correspondence.

**Senator LUDLAM:** It is not. What the department’s analysis of the new regime?

**Mr Borrowman:** Senator, the new regime reflects the flawed electoral process that put it in place, which we discussed on a number of occasions. That is both in the new parliament and the regional assembly. For example, the USDP holds 76 per cent of all the contested seats and the military is automatically allocated 25 per cent of all seats. As you know, we have made clear our view that the election fell far short of democratic norms. The new president, Thein Sein, was inaugurated on 30 March. He is an ex-general. He was one of the people who retired from military service from 2010 to contest the election. I do note that, according to the International Crisis Group, in its *Myanmar post-election landscape* he is regarded as relatively capable, approachable and non-corrupt. The new parliament is operating. They certainly operate under considerable constraints. For example, questions have to be submitted well in advance and have to be approved by the government before they are asked. But, that said, in the inaugural session, MPs were able to raise a range of questions and proposals. In his inaugural speech, Thein Sein referred to the many challenges that Burma faces and the need to address them. So I think most observers would agree there are some very small steps from a very low base.

**Senator LUDLAM:** Has there been any practical difference to the ability of our ambassador or her staff to move around the country since the election?

**Mr Borrowman:** Not that I am aware of, Senator. Certainly requests to visit remote areas of the country have always been, and I am confident, subject to particular approval. But in terms of movement in Yangon to and from Naypidaw et cetera, there are no issues.

**Senator LUDLAM:** Not appreciably. Has our ambassador visited the new parliament?

**Mr Borrowman:** Our previous ambassador I am not certain. With the parliament itself, I cannot say, Senator. I would have to take that on notice.

**Senator LUDLAM:** If you could. Has our new ambassador met with Aung San Suu Kyi since her release from house arrest?



**Mr Borrowman:** Senator, she has not because she has not been able to. She only presented credentials on 24 May. Until you present credentials, you are not allowed to make any calls. But that will now be one of the priorities for her.

**Senator LUDLAM:** 24 May. How long has she been in the country for?

**Mr Borrowman:** I would have to check that, Senator. It was a little while, but the timing of credentials ceremonies is entirely a matter for the host government. There was one scheduled earlier than that, but it was postponed for reasons which were not divulged to us.

**Senator LUDLAM:** Not something we could do anything about.

**Mr Borrowman:** I am aware, though, Senator, that our last ambassador did meet with Aung San Suu Kyi twice between Aung San Suu Kyi's release and the ambassador's departure.

**Senator LUDLAM:** Thank you. Can you tell us how many companies have requested briefings from the Australian embassy in Yangon since the election?

**Mr Borrowman:** No. I cannot, Senator. I would have to take that on notice.

**Senator LUDLAM:** If you could the number and which companies have requested briefings.

**Mr Borrowman:** Yes.

**Senator LUDLAM:** Thank you very much. I asked you last time and probably the time before that, and I will ask you next time, what actions Australia has taken since the last committee session around the proposal for the UN Security Council commission of inquiry into war crimes and crimes against humanity in Burma.

**Mr Borrowman:** Senator, those issues remain on our agenda for discussion with like-minded parties. But our assessment of both the deep unlikelihood of those happening and possible detrimental effects were they to be attempted without a certain prospect of success remains the same.

**Senator LUDLAM:** We have put our name on the list. In fact, we were the first country to formally sign up to move that debate. So what is your hesitation about now actually doing something about it? Not your hesitation but the government's hesitation.

**Mr Borrowman:** I do not think it is a hesitation. All I am reiterating is the position which we have consistently had, which is why we are open to these ideas and discuss them with like-minded and pursue them in international forums. You have cited one example there. Our assessment of the likelihood of success remains very low.

**Senator LUDLAM:** The last time we met I understand we had been joined by 14 other countries. Can you tell us how many are on the list now?

**Mr Borrowman:** No, I cannot, Senator. I will have to take that on notice.

**Senator LUDLAM:** If you could. Can you tell us what we are doing to encourage more countries to sign up to that endeavour before the UNGA session later this year?

**Mr Borrowman:** No, Senator. I will take that on notice as well.

**Senator LUDLAM:** Are you aware if we have done anything at all?

**Mr Borrowman:** No, I am not, Senator.

**Senator LUDLAM:** If you could take that on notice, that would be great.

**Mr Borrowman:** Senator, so we are entirely certain, can you specify the full title of the proposal that you are talking about?

**Senator LUDLAM:** The full title of the proposal? I am not sure what its formal title is. Australia was the first country to formally sign up for a proposal that the UN Security Council form a commission of inquiry into war crimes and crimes against humanity in Burma. There is no particular document to refer to yet. That is an Australian initiative that I think we should be justifiably proud to have set up. Since then I have not been able to establish on the record whether we have actually done any single thing with any country in any meeting, in any forum, to progress that proposal, apart from hearing that it is not very likely to succeed, which is not a particularly helpful attitude, I would not have thought. Can you tell us whether the department has been—

**Mr Borrowman:** Senator, it is an assessment, not an attitude.

**Senator LUDLAM:** I stand corrected. Is the department considering the issue of cross-border aid into Burma, particularly from the Thai side of the country, the east of the country?

**Mr Borrowman:** We have of course discussed this issue on a number of occasions. Since the last time we did, Mr Rudd has visited Thailand and the question of the situation on the Thai-Burma border was discussed. You would be aware that in his press conference he said he had an open mind on the issue of cross-border aid. So we are doing some work in response to that expression of view by the minister. We will be putting some advice to him.

**Senator LUDLAM:** That is great news. Was the department formally asked by the minister to provide some background or some briefing material on that issue?

**Mr Borrowman:** It arose from the visit, Senator.

**Senator LUDLAM:** Yes, it did. Did you accompany the foreign minister on that visit?

**Mr Borrowman:** Yes, I did.

**Senator LUDLAM:** That is great. When do you expect that you will be able to provide some advice to the minister, or is that an ongoing process?

**Mr Borrowman:** It is in the near future, Senator.

**Senator LUDLAM:** The near future. I will leave it there. Thanks, Chair.

**CHAIR:** Thank you, Senator Ludlam. Further questions on South-East Asia?

**Senator TROOD:** Yes, Chair.

**CHAIR:** Senator Trood?

**Senator TROOD:** I think we have some. This is another one of those issues where DIAC has been helpful to you and has suggested that you might be able to help the committee. It relates to human rights issues in Malaysia. DIAC's allegation is that any advice that it has received about human rights issues in Malaysia has come from the Department of Foreign Affairs and Trade. Is this your area of activity, Mr Borrowman?

**Mr Borrowman:** It is an area that is shared between me and my colleague Ms Stokes in ILD who has just joined me.

**Senator TROOD:** That is good. Has DIAC sought advice from you about human rights issues in Malaysia?

**Mr Borrowman:** Yes, Senator, it has.

**Senator TROOD:** When did it do that?

**Mr Borrowman:** Just bear with me, one moment, Senator, and I will find the right piece of paper. It would have been around the last week of April, early May, Senator.

**Senator TROOD:** Was that before or after there was an initial discussion between the Australian and Malaysian governments about the establishment of an arrangement in relation to asylum seekers?

**Mr Richardson:** Can I just say that the Department of Foreign Affairs and Trade was involved in those initial discussions.

**Senator TROOD:** I was going to ask you about that history.

**Mr Richardson:** While immigration as a department might have sought formal advice in relation to human rights on whatever date it was, we have certainly been involved in matters relating to Malaysia in the agreement that is being currently negotiated.

**Senator TROOD:** Why do we not do it this way? Why do we not have a talk about when the Australian and Malaysian governments first discussed this matter? This occurred at our initiation. Is that right?

**Mr Richardson:** Yes, I believe so.

**Senator TROOD:** Whatever the form of the agreement subsequently became, we raised this possibility with the Malaysian government ourselves? We initiated this action?

**Mr Richardson:** Yes.

**Senator TROOD:** When did we do that, Secretary?

**Mr Richardson:** I would have to take that on notice. I have not got it in my head, the precise date.

**Senator TROOD:** I am happy, of course, for you to take that on notice. Can you tell me: was this a proposal which was canvassed with the Malaysian government last year or was it something that was done reasonably proximate to the agreement which was set earlier in the year?

**Mr Richardson:** I do not know whether there have been occasions last year where it was raised informally or in the context of other discussions. I just do not know the answer to that. In terms of it being raised quite specifically, I believe it was this year. There might have been discussions. Deborah, are you aware of any discussions last year?

**Ms Stokes:** Yes. Minister Bowen met his Malaysian counterpart in Malaysia on 10 December. Officials from DFAT and DIAC met with senior Malaysian home affairs officials in Australia in December.

**Senator TROOD:** About what became this agreement, is that right, Ms Stokes?

**Ms Stokes:** It is my understanding that this is when discussions began.

**Senator TROOD:** You are—

**Ms Stokes:** They were preliminary discussions at that point.

**Mr Richardson:** I think you must characterise them as preliminary. I do not believe you can characterise—I stand to be corrected but I do not think formal discussions began at that time.

**Senator TROOD:** This was an opening of a dialogue?

**Mr Richardson:** I think that would be the way to characterise it.

**Senator TROOD:** Officers of your department were there when that occurred. Is that right?

**Ms Stokes:** The Ambassador for People Smuggling Issues had talks in December. When I said officials from both departments, it included the Ambassador for People Smuggling Issues.

**Senator TROOD:** Was that in Canberra?

**Ms Stokes:** I do not know.

**Mr Richardson:** Sorry, Senator?

**Senator TROOD:** Was that in Canberra or Kuala Lumpur or offshore somewhere?

**Mr Richardson:** I do not know.

**Ms Stokes:** It was in Australia, my briefing says.

**Senator TROOD:** This was in the context of Minister Bowen raising this question with the Malaysian authorities and he was putting the proposition on behalf of the Australian Government. Is that correct?

**Mr Richardson:** Preliminary discussions testing the water.

**Senator TROOD:** When was the next occasion there was a discussion about this?

**Mr Richardson:** Senator, I think we should take it on notice to get it absolutely accurate in terms of timetable. Otherwise we could easily mislead you.

**Senator TROOD:** Can you provide me with any dates and venues for negotiations of—

**Mr Richardson:** Yes. Again I forget the date. I can get that for you. There was a meeting in Kuala Lumpur that I was involved in myself, along with the head of immigration, Andrew Metcalfe, and the National Security Adviser, Duncan Lewis. I am told that was mid-February.

**Senator TROOD:** Mid-February?

**Mr Richardson:** Yes. Since then, there have been discussions involving Minister Bowen and there have been discussions involving immigration and the Department of Foreign Affairs and Trade through our Ambassador for People Smuggling Issues who also went up to Malaysia with me in mid-February.

**Senator TROOD:** With whom did you have discussions in mid-February?

**Mr Richardson:** We had discussions with the head of the ministry of home affairs and representatives from their Prime Minister's department and their ministry of foreign affairs.

**Senator TROOD:** When you had that meeting, Mr Richardson, were you discussing at that point the outline of an agreement of the kind that we now know to exist?

**Mr Richardson:** We began the discussions which led to that.

**Senator TROOD:** Were you discussing numbers of people back and forth?

**Mr Richardson:** We were exploring what might be possible.

**Senator TROOD:** On the basis of discussions that had built on the initial contact in late last year. Is that right?

**Mr Richardson:** Yes.

**Senator TROOD:** Between the time you were in Kuala Lumpur in mid-February and the discussions that had taken place late last year, had there been a discussion of the numbers of people who were to be exchanged back and forth?

**Mr Richardson:** I would need to take that on notice because I do not know the answer to that.

**Senator TROOD:** When you were in Kuala Lumpur, were you discussing the 800 and the 4,000 figures?

**Mr Richardson:** We were not discussing them. Those precise numbers were not raised.

**Senator TROOD:** Did you enter the discussions with some figures in mind?

**Mr Richardson:** We were entering the discussions to explore the possibilities and to see whether the Malaysian authorities would be prepared to take the discussions further.

**Senator TROOD:** Did we ask the Malaysian authorities not to take 800 but please take the equivalent number?

**Mr Richardson:** Senator, the discussions were in broader scope than that. I am sure you will appreciate that at the beginning of a process of that sort you do not sit down and start off at the end point. You discuss broader frameworks, broader parameters, first and then over time you move into more specifics.

**Senator TROOD:** As far as I understand this matter, I assume that the position at which you arrived was not your original negotiating position?

**Mr Richardson:** We did not go there with a negotiating position in that sense. We did not go there with numbers, fall backs et cetera. We were looking at the broader shape of a possible cooperative arrangement with Malaysia.

**Senator TROOD:** Did you not have any numbers in mind, Mr Richardson?

**Mr Richardson:** First of all, we were very conscious of the fact that the UNHCR had to be involved. So an important part of any discussions was UNHCR agreement. Then we were also aware that there needed to be some positives in it for Malaysia. We assumed that, given Malaysia's large refugee population—

**Senator TROOD:** Which is how many, in fact?

**Mr Richardson:** They have some 80,000 to 90,000 people from other countries there. How many of them are formally recognised by the UNHCR as refugees?

**Mr Borrowman:** There were approximately 94,300 refugees and asylum seekers registered with UNHCR in Malaysia as at April 2011.

**Senator TROOD:** Have they been processed?

**Mr Richardson:** No.

**Senator TROOD:** They are claimants; they are not necessarily people determined—

**Mr Richardson:** Some have been recognised; some are claimants.

**Senator TROOD:** Do we know how many are properly recognised as refugees?

**Mr Richardson:** I would have to take that on notice.

**Senator TROOD:** Do you know that, Mr Borrowman?

**Mr Borrowman:** No, Senator, I do not appear to have that.

**Senator TROOD:** Perhaps you will take that on notice for me. Let us get back to these discussions. You went up there with some broad ideas in mind but not numbers, not figures, not the 800 or the 4,000?

**Mr Richardson:** No. That is right.

**Senator TROOD:** You went up there, presumably, with some instructions from somebody?

**Mr Richardson:** Yes.

**Senator TROOD:** These were instructions as a result of what, a cabinet decision that had been taken, Mr Richardson?

**Mr Richardson:** We went up within a broad framework, as I said, to see what might be possible. It was not our expectation that on an issue such as this you could simply turn up to Kuala Lumpur and leave with an agreement in your back pocket. That would have been unrealistic on our part.

**Senator KROGER:** Who provided the directive to actually go and scope it out?

**Mr Richardson:** It was the government.

**Senator KROGER:** Was it Minister Rudd or was it—

**Mr Richardson:** Minister Rudd was aware. Obviously the Prime Minister was aware. We had a specific meeting with Mr Bowen.

**Senator TROOD:** That was prior to your departure, was it?

**Mr Richardson:** It was at some point before. I cannot recall whether it was a week before, some days before or a couple of weeks before. Again, it was a framework to see, against the background of Mr Bowen's earlier touching base with his Malaysian counterpart, what might be possible.

**Senator TROOD:** Is DFAT the lead agency in negotiating this arrangement?

**Mr Richardson:** No, the Department of Immigration and Citizenship is the lead agency.

**Senator TROOD:** To what extent were you conscious or aware of any negotiations that DIAC might have had since late last year and prior to you arriving in Kuala Lumpur?

**Mr Richardson:** I would have been aware of them but I cannot recall them now because our Ambassador for People Smuggling Issues, James Larsen, works very closely with the Department of Immigration and Citizenship. By and large, they work very closely, and I do not believe there would have been any discussions that we would not have been aware of as a department.

**Senator KROGER:** Your visit was after DIAC or Ambassador Larsen had conversations with their counterparts. Is that what you are saying?

**Mr Richardson:** The advice that I have here is that on 10 December Mr Bowen met with his Malaysian counterpart in Malaysia and on 13 December officials met with Malaysian

officials in Australia. I am uncertain about contact and discussions between then and mid-February. I am not saying there were any; I am not saying there were not any. I would need to take that on notice. Then in mid-February we went to Malaysia

**Senator KROGER:** Was the meeting on 13 December of DIAC officials with their counterparts?

**Mr Richardson:** That was DIAC together with the Ambassador for People Smuggling Issues, James Larsen.

**Senator TROOD:** Subsequent to the agreement, the joint statement, which was issued on 20 May and which reflects the agreement between the two governments, has six dot points in it. Were they the substance of negotiations at your meeting in Kuala Lumpur?

**Mr Richardson:** We were not negotiating an actual text or something like that at that time. That emerged over time.

**Senator TROOD:** Were these propositions, these six dot points, on the table at that stage?

**Mr Richardson:** The six dot points are consistent with the discussions and the parameters of the discussion that we were having in Malaysia in mid-February.

**Senator TROOD:** Can you tell me: was the parameter of the discussions that you had, for example, that Australia would fully fund the arrangement, which became one of the dot points?

**Mr Richardson:** No—

**Senator TROOD:** You hoped that the Malaysians might make a contribution?

**Mr Richardson:** No. We went to Malaysia assuming that any arrangement would probably need to be funded by us. Again as I said, we were going there to explore the possibilities.

**Senator TROOD:** You were hoping Malaysia might make a contribution?

**Mr Richardson:** We did not sit down with a negotiating position. It would not have been the way, I do not think, to approach it. The way to get an outcome would not have been to start off with a negotiating position in that sense. We needed to have more of a discussion than a negotiation.

**Senator TROOD:** By the time mid-February came around, Secretary, there had already been some preliminary discussions and you were now discussing the scope of an agreement, were you not, with the Malaysian authorities?

**Mr Richardson:** A few things happened in our calendar, Senator, as you are aware, between mid-December and mid-February. A large chunk of that was taken out, for a variety of reasons.

**Senator TROOD:** As a Queenslander, I certainly know that. Internationally, you are referring to obviously as well. When was the next discussion that officers from your department were involved in after the Malaysian ones?

**Mr Richardson:** After February?

**Senator TROOD:** Yes.

**Mr Richardson:** I would want to take that on notice to get it absolutely accurate because it is a bit unclear to me.

**Senator TROOD:** Did you participate in any further discussions yourself?

**Mr Richardson:** No. I participated in discussions back here but I did not go a second time to Malaysia

**Senator TROOD:** You participated in policy discussion, you did not participate in any further negotiations. Is that right?

**Mr Richardson:** That is right.

**Senator TROOD:** Where did the negotiations then move to after your contribution and that of Mr Lewis and Mr Metcalfe?

**Mr Richardson:** There were discussions on telephones. But where they moved, I would again need to take it on notice.

**Senator KROGER:** If you engaged in policy discussions, Secretary, and no further discussions have been had in relation to that with your counterparts directly since the middle of February, then am I right in assuming that the policy discussions—and I presume by that you would refer to the UNHCR agreement—were about the types of refugees that Australia would take from Malaysia, the composition, nationalities, everything related to that in the mix? After the discussions that you had in February, you came back with recommendations as a way to proceed with it and they were adopted in the offer?

**Mr Richardson:** It was more of an iterative process. As I mentioned, I would need to take on notice the more detailed questions that you are asking.

**Senator TROOD:** The joint statement issued by the Prime Ministers says it was created on 20 May. When was the substance of this statement agreed?

**Mr Richardson:** I would need to take that on notice.

**Senator TROOD:** Can you tell me: was that agreed—

**Ms Stokes:** Excuse me, Senator, the joint statement that I have that you are referring to was issued on 7 May.

**Senator TROOD:** Was that the date of the announcement?

**Mr Richardson:** Ms Stokes has not given the date that you asked for. I do not know that date.

**Ms Stokes:** The date that it was issued, you referred to, I think, was 20 May.

**Senator TROOD:** That was the date it was issued?

**Ms Stokes:** Yes.

**Senator TROOD:** There are two dates on the document I have. Anyway, there is a 7 May on it as well. Thank you, Ms Stokes. What I am interested in knowing is: were the negotiations concluded, for example, on 6 May, or were they concluded two weeks after you were in Malaysia?

**Mr Richardson:** I cannot give you an answer to that, Senator. I do not know. In terms of the detail of the negotiations, of course you will appreciate that there is a limit to what can be provided in terms of the detail of any negotiations which are, themselves, confidential.



**Senator TROOD:** I understand that. When did these six principles, or what I call the core elements of the bilateral arrangement, become part of the essential agreement which was concluded by the two governments?

**Mr Richardson:** I have to take that on notice, Senator.

**Senator TROOD:** You cannot tell me when the figure of 800 arrivals was settled?

**Mr Richardson:** No.

**Senator TROOD:** And you cannot tell me when it was agreed that this was going to be a four-year agreement?

**Mr Richardson:** No.

**Senator TROOD:** Or that the transferees were not to receive any preferential agreement?

**Mr Richardson:** No.

**Senator TROOD:** Or that we would fully fund the agreement?

**Mr Richardson:** No.

**Senator TROOD:** Or, which is where we got into this, there would be respect for human rights standards?

**Mr Richardson:** No.

**Senator TROOD:** Can you tell me, Mr Richardson, who actually finalised the agreement?

**Mr Richardson:** I do not know that.

**Senator TROOD:** You do not know that. So you do not know whether or not it was between our ambassador—for example, our High Commissioner to Malaysia—and the Malaysian government?

**Mr Richardson:** I would run the risk of misleading you if I answered that. I was personally involved in other matters, and I did some other travel myself at different points after February. So I do not have the precise information that you are asking for.

**Senator KROGER:** The minister will have it. The minister will know who finalised the deal. Who cut the deal? Minister, you would know this?

**Senator TROOD:** Minister Conroy?

**Senator KROGER:** It must be a good site or pretty pictures.

**Senator Conroy:** I am reading an endorsement of the Digital Economy Strategy that I announced yesterday. I can read it out to you. It is very entertaining.

**Senator TROOD:** Are you getting good press on that, Minister?

**Senator Conroy:** Excellent press.

**Senator KROGER:** Did they use your good photo?

**Senator Conroy:** 'Bold, visionary, to be applauded'—just a couple of phrases that come to mind from the site.

**Senator TROOD:** A lot of misguided people across the country too.

**Senator Conroy:** My apologies. You were asking, Mr Richardson?

**Senator KROGER:** Senator Trood had asked a question that we thought that you might know the answer to. In fact, we were hoping that you would know the answer to it.

**Senator TROOD:** Since you are such a fount of wisdom to the proceedings, Minister, can you tell us who finalised the negotiations of the agreement between the Australian and Malaysian governments with regard to asylum seekers?

**Senator Conroy:** I will happily take that on notice. It could be in a different portfolio from this. To ensure that we give you an absolutely accurate answer, we will take that on notice.

**Senator TROOD:** Thank you, Minister. We will relieve you from further service and you can return to your machine.

**Senator Conroy:** Thank you. 'Bold, visionary'—should I go on? Are we done now?

**Senator TROOD:** No, we are not, not at all.

**Senator KROGER:** No, we are not.

**Senator TROOD:** I have not quite finished on this.

**CHAIR:** Senator Trood has the floor. I will arbitrate between the opposition.

**Senator TROOD:** You are basically unable to provide me with any further information about the negotiations and who participated in them et cetera. Is that right, Secretary?

**Mr Richardson:** Sorry?

**Senator TROOD:** You cannot provide me with any further information about the involvement of the officers of your department in the negotiation of this agreement?

**Mr Richardson:** No. As I said, the Ambassador for People Smuggling Issues continued to be involved and has been involved right through. Again, I do not have the information with me to answer precisely the question you are asking.

**Senator TROOD:** We went down that course because I was asking Mr Borrowman about human rights issues and the extent to which you were conscious of those issues in these negotiations. Was that a matter of which you were aware when you were in Kuala Lumpur?

**Mr Richardson:** Of?

**Senator TROOD:** In relation to the Malaysian record on human rights when you were negotiating in Kuala Lumpur?

**Mr Richardson:** Not everyone will agree with what I am about to say, but I do not believe that Malaysia's human rights record has been accurately reflected in some of the public commentary that some people have made. The second comment I would make is that from the beginning, as far as I am aware, there was always a view in government that the human rights—the way in which people are treated, dignity and the like—would be an important part of any agreement that might finally be reached.

**Senator TROOD:** Perhaps you had better inform us why you think some of the public discussion about Malaysia's human rights record misrepresents that record

**Mr Richardson:** As a broad characterisation, I think some of it has presented Malaysia as having a human rights record at one end of the spectrum, and I do not think that is right.

**Senator TROOD:** Do I take it from that remark that you dissent from some of the observations that have been made in the reports of the United Nations and some of the information that the Refugee Council of Australia has provided in relation to them?

**Mr Richardson:** It would depend on precisely what observations are being made.

**Senator TROOD:** Let me share this with you. A UN report from last year said refugees in the country were 'vulnerable to arrest for immigration offences and may be subject to detention, prosecution, whipping and deportation'.

**Mr Richardson:** Yes.

**Senator TROOD:** You agree with that observation?

**Mr Richardson:** I am not taking—

**Senator TROOD:** Or do you dissent from that observation?

**Mr Richardson:** I would simply note that any agreement we enter into with Malaysia will allow for a proper respect for the human rights. That has been clear to me in what has been said by the two governments so far.

**Senator TROOD:** I know that is the representation that is contained in the agreement. The concern that exists in the community—and it is not clear that you share this concern—

**Mr Richardson:** No, I am not taking issue with that statement. What I am saying is that, regardless of the accuracy or otherwise of that statement, the Australian government has been quite explicit in stating what would apply in respect of any agreement entered into force between Australia and Malaysia.

**Senator TROOD:** You would not take exception to that statement in relation to the United Nations report. Would you take exception to this statement from the Refugee Council that the Australian Government had 'ignored Malaysia's appalling record of mistreatment of asylum seekers and refugees in its rush to seal an asylum agreement transfer deal'?

**Mr Richardson:** I would disagree with that statement.

**Senator TROOD:** Which part of that statement do you disagree with?

**Mr Richardson:** I would disagree with the claim that the Australian Government has ignored, in its discussions with Malaysia, the human rights in respect of any people who might be moved under an agreement from Australia to Malaysia. I do not believe the government rushed into any agreement ignoring human rights. Indeed, I think the statement made by the Prime Minister and by the Malaysians make that clear.

**Senator TROOD:** Do you disagree with the observation in that statement that Malaysia has an appalling record of mistreatment of asylum seekers?

**Mr Richardson:** Quite frankly, I do not know whether they do have an appalling record or not. I would note that in an earlier iteration, in the late 1970s, I went to Malaysia quite regularly, when I was an officer of the Department of Foreign Affairs, and in 1986-87, when I was head of the then Refugee and Humanitarian Branch of the immigration department, I regularly visited Malaysia. Malaysia played an enormous part in the 1970s and the 1980s in responding to the enormous outflow of people at that time from Indochina, especially Vietnam. Australia did not appear at that time to have a problem. In fact, Malaysia's role in managing that crisis, as it was, was really quite important.

**Senator TROOD:** That was 30 years ago. Things change over that period of time, we all agree. These are observations from organisations and institutions with very special knowledge of these matters. Certainly that is true of the Refugee Council. Most of us have seen the

television coverage of what purport to be some of these practices with regard to refugees in Malaysia. I am not in a position to testify whether or not they are accurate. There is sufficient concern about this matter for the Australian community to be concerned about the extant record in relation to Malaysia's behaviour.

**Mr Richardson:** I may be wrong, Senator, but I thought the burden of what you read out was the claim by the Refugee Council that the Australian government had ignored the human rights of the individuals who might be caught up in the rush to get an agreement. That being the burden of the comment that I heard you read out, I disagreed with that comment.

**Senator TROOD:** I do not want to be necessarily—necessarily—pedantic about it. That was certainly part of the burden of my remarks. The other part, of course, is the part about there being an appalling record of mistreatment, which is the—

**Senator Conroy:** Senator Trood, you have had a fair go. I have given a lot of latitude to allow you to ask Mr Richardson his opinions about various things. It does reach a point where you are outside the standing orders of Senate estimates. If you want to ask opinions, you can ask me or reword your questions. I have given a fair bit of latitude, and you have had a bit of fun. If you want to keep asking opinions, you are outside of the standing orders.

**Senator TROOD:** It is not a fun topic, Minister. I think it is a very serious one.

**Senator Conroy:** I did not say it was a fun topic. I said I have given you a fair bit of latitude but, if you come back to questions within the standing orders, that would be appropriate.

**Senator TROOD:** Can you tell me whether you or the department are knowledgeable about the United States State Department's 2009 report on human rights and its observations about Malaysia and that where—

**Mr Richardson:** I am not personally knowledgeable of it, although I am aware of the annual report made by the Department of State.

**Senator TROOD:** The point is made that there are credible allegations of inadequate food, water and medical care, poor sanitation and prisoner abuse in the immigration detention centres.

**Mr Richardson:** Again, I believe it is quite clear from the statement made by the Australian government and the Malaysians that the human rights of any asylum seekers moved from Australia to Malaysia under any agreement that might be reached will be properly respected.

**Senator TROOD:** You had that concern because you were aware of the record?

**Mr Richardson:** We would seek a certain framework in terms of human rights, regardless of what country we were interacting with.

**Senator TROOD:** The negotiators, your colleagues, were particularly concerned about this matter because you were very much aware of the record that exists in relation to human rights and refugees in Malaysia. Is that not right?

**Mr Richardson:** We had a legitimate interest in ensuring that anyone moved from Australia to Malaysia or to any country under any bilateral or other agreement would have their human rights properly respected. I think, from what the government has said and from what the Malaysians have said, that has been achieved.

**Senator TROOD:** You had a justifiable concern. You had enough information to know that there was an issue here that needed attention. The Department of Foreign Affairs and Trade, which monitors these things, because you monitor our relations with Malaysia, knew very well that there were some serious issues about the way in which Malaysia treats its refugees?

**Mr Richardson:** We had a legitimate interest. The Australian government has a legitimate interest in ensuring that any asylum seekers in Australia sent to another country are in fact treated properly, regardless of what country they might be going to.

**Senator TROOD:** You had these concerns and they are reflected in the joint statement, which is to be rendered into an MOU. Is that right? The last paragraph says:

The Malaysian and Australian Governments have asked senior officials to finalise a Memorandum of Understanding in the near future to set out detailed arrangements.

I take it that the agreement is to be reflected in a memorandum of understanding. Is that right, Ms Stokes?

**Mr Richardson:** There are negotiations that are continuing. It simply would not be proper for us to go into the detail of those negotiations.

**Senator TROOD:** Part of the negotiations is to reflect dot point 5 of the statement, which says:

... transferees will be treated with dignity and respect and in accordance with human rights standards ...

**Mr Richardson:** That is right.

**Senator TROOD:** Is that right?

**Mr Richardson:** That is right. Any agreement that might eventually be reached would reflect that, as both governments have made clear.

**Senator TROOD:** How are we going to do that?

**Mr Richardson:** That is a matter for the discussions. I obviously cannot go into the detail of that.

**Senator TROOD:** It is not obvious to me, Secretary, that you cannot go into those details. There is an agreement that the Australian government has entered into with regard to this matter. It is an agreement which is in the context of a relatively well-known set of circumstances in relation to Malaysia's treatment of refugees. I would have thought that you had spent quite a lot of time thinking about how you might actually determine that this part of the agreement was actually to be kept.

**Mr Richardson:** That will be reflected at the appropriate time when the discussions and negotiations are concluded.

**Senator TROOD:** What ideas are you discussing?

**Mr Richardson:** I do not think it would be appropriate to speculate about ideas that may or may not be discussed between ourselves and another country.

**Senator TROOD:** Are you discussing monitoring by Australian officials, perhaps?

**Mr Richardson:** I do not think it would be appropriate to discuss specific options that may or may not be being canvassed.

**Senator TROOD:** Can you outline to us at all the parameters of what you think might be an acceptable arrangement or regime in place for this issue?

**Mr Richardson:** Not beyond that which has already been made public by the government.

**Senator TROOD:** That is not very much, is it?

**Senator Conroy:** That is the answer that you have got.

**Senator TROOD:** We have a government that is proclaiming a policy triumph in relation to this matter, saying it is a solution to the problem of asylum seekers and raising great expectations about the agreement in the context of a wide degree—properly, I think—of scepticism about whether or not it can operate. One of the concerns people have is whether or not the individuals who might be transferred under this agreement are going to be treated properly. Do you not think it behoves you to be able to explain what—

**Mr Richardson:** I have nothing further to add, Senator.

**Senator Conroy:** I think Mr Richardson has given you a full answer to every question. Where he is not able to give you further information, he is not able to give you further information, Senator Trood.

**Senator TROOD:** Can you tell me, Mr Richardson, how long it is going to be before we see the full glory of this MOU?

**Mr Richardson:** I am not able to give an answer to that.

**Senator TROOD:** Can you tell us how negotiations are proceeding?

**Mr Richardson:** I am not able to tell you that.

**Senator TROOD:** Can you tell me whether or not we are close to an agreement on the MOU?

**Mr Richardson:** Senator, I have told you what I can tell you.

**Senator TROOD:** Are we weeks away or—

**CHAIR:** Senator, the secretary has already told you—

**Senator Conroy:** Tedious repetition. No matter how many times you change the question—

**Senator TROOD:** This is not tedious repetition.

**CHAIR:** It is close to it, Senator. You have asked several times for the secretary to discuss with you the progress of future negotiations. He is not going to do that, period.

**Senator TROOD:** Can you tell me: are the negotiations continuing at the moment?

**Mr Richardson:** The negotiations are continuing.

**Senator TROOD:** Can you tell me: are they negotiations continuing between Australian officials and Malaysian officials in Malaysia or here? Is there a negotiating team focused on this matter or not?

**Mr Richardson:** Discussions are continuing. I cannot say more than that.

**Senator TROOD:** I am recalling the helpfulness of the department in relation, for example, to trade negotiations and the negotiation of bilateral trade agreements, of which there are four or five in train at the moment. When I ask questions about these kinds of things, I am provided with information about the progress of negotiations and when the next

negotiations take place. Of course these may be different kinds of negotiations. Certainly it is a different topic that we are talking about. I do not see that they are in principle any different.

**Mr Richardson:** Senator, as a department, we seek to be as helpful as possible to the committee. That is precisely what I have been during your questioning on this. I am not in a position to go further.

**Senator Conroy:** There are clearly ongoing discussions which Mr Richardson is not in a position to give you information about. That is a perfectly reasonable position for Mr Richardson to have, Senator Trood. Do you have another question?

**Senator TROOD:** I see we are approaching the dinner break. I think Senator Kroger has a couple of questions she wants to get to before that.

**CHAIR:** Are we still on South-East Asia?

**Senator KROGER:** Yes, we are. It is the same topic. I have just a couple of questions to follow up. You said your meetings in mid-February were—I will characterise it as this—'scoping out' the subject matter. To put it in your words, they were policy discussions. Were you asked to engage in a scoping exercise in terms of policy considerations for the East Timor solution that was flagged by the Prime Minister?

**Mr Richardson:** What, in Malaysia?

**Senator KROGER:** East Timor?

**Mr Richardson:** No.

**Senator KROGER:** So you were not asked for any input into considerations in an East Timor solution?

**Mr Richardson:** No, I was not involved in the discussions leading up to the decisions relating to East Timor.

**Senator KROGER:** Has anyone in the department sought advice on that?

**Mr Richardson:** That goes back to June of last year. I would have to take that on notice.

**Senator KROGER:** Could you take on notice whether anybody was consulted on policy deliberations on East Timor. Was anybody consulted, or were you consulted, in relation to the consideration of using Manus Island in PNG as a detention centre?

**Mr Richardson:** I was aware of that.

**Senator KROGER:** Were you asked to scope with your counterparts in PNG on that subject, as you were asked to do in Malaysia?

**Mr Richardson:** No, I was not.

**Senator KROGER:** Have you entered any dialogue or meetings or discussions with any of your counterparts or anyone else in PNG?

**Mr Richardson:** I think, as is on the public record, Parliamentary Secretary Richard Marles did go to Port Moresby. He was accompanied by officials from the Department of Foreign Affairs and Trade and from the Department of Immigration and Citizenship.

**Senator KROGER:** In the last 12 months, have there been any discussions at all, to your knowledge, with the department or the foreign minister or the parliamentary secretary in relation to the possibility of using Nauru as a detention centre?

**Mr Richardson:** I am not aware of any and have not been involved in any discussions myself. Whether there have been others which I am unaware of, I do not know, by definition.

**Senator KROGER:** Thank you, Mr Richardson. Thank you, Chair.

**CHAIR:** Are we done with this part of South-East East Asia and the Malaysian issue?

**Senator KROGER:** Yes.

**CHAIR:** In that case, it is a useful place to have a break. We will adjourn and return at 7.30 this evening. The committee stands adjourned.

**Proceedings suspended from 18:26 to 19:31**

**CHAIR:** We continue our examination of budget estimates for the Department of Foreign Affairs and Trade. I welcome to the table Parliamentary Secretary McLucas.

**Senator McLucas:** Thank you.

**CHAIR:** Do you have an opening comment?

**Senator McLucas:** No, thank you, Chair.

**CHAIR:** Very good. We will continue with where we are at. We are at the place called South-East Asia, or are we done there? We are done. In that case we will go on to the Americas.

**Senator TROOD:** No, we are not done there.

**CHAIR:** We will go back. Senator Trood?

**Senator TROOD:** We will move quickly enough, I think, Chair. I just wanted to go back to the matter I was discussing with you. Just quickly, you may feel reticent about answering these questions as you have been reluctant to answer other questions, Secretary. On these discussions, negotiations, to finalise this MOU, are you able to tell me where the lead is here in relation to the agency? Is this a responsibility or a burden that Mr Rudd is assuming on behalf of the government? Is Mr Bowen the lead minister? Is your department the department that is taking primary responsibility for finalising the agreement? Can you perhaps identify the agency and the minister who is resolving the matter in the way that we expect it to be done?

**Mr Richardson:** Senator, I believe it would be accurate to say that the lead minister is Mr Bowen and the lead department is the Department of Immigration and Citizenship.

**Senator TROOD:** I assume with some assistance from your department?

**Mr Richardson:** That is right.

**Senator TROOD:** Thank you. I think I can finally depart from that matter. I did want to ask you, Secretary, whether or not there are any discussions—formal or informal—that the government, or your department, is having with Thailand on the subject of an arrangement similar to that which has been concluded with Malaysia.

**Mr Richardson:** There are no discussions currently going on with Thailand of the kind that we are currently having with Malaysia.

**Senator TROOD:** If that means that you are not close to concluding an MOU with Thailand in the same way as you are with Malaysia, we are at odds about this. Are there any



discussions taking place about a deal, an arrangement, even if we are not quite as advanced as we are with Malaysia?

**Mr Richardson:** When the foreign minister was in Bangkok a little while ago—

**Senator TROOD:** In fact it was May, wasn't it?

**Mr Richardson:** That is right. The Thai foreign minister did make his remarks at the press conference about the possibilities and the like. Obviously that is relevant in terms of regional approaches to what we see as a regional challenge, but we have not progressed matters with Thailand at this point. Our focus has been elsewhere.

**Senator TROOD:** Would it be correct to say that your discussions with Thailand in so far as they exist might be in the same state of discussion as was the arrangement with Malaysia late last year—in other words, in a preliminary stage of iteration?

**Mr Richardson:** I would put it in terms of pre-feasibility rather than preliminary. I would put it one step back from preliminary.

**Senator TROOD:** Pre-feasibility. Okay.

**Mr Richardson:** I am reminded that since the visit to Thailand by the foreign minister the Thai foreign minister has clarified that Thailand is not seeking to adopt a similar arrangement to the one we are discussing with Malaysia.

**Senator TROOD:** That being the case, you are not seeking to engage the Thais on any arrangement; is that right?

**Mr Richardson:** Not at this point, but our discussions do continue in respect of the broader regional challenge.

**Senator TROOD:** This is an Indonesian matter but it is perhaps also consular. I just wanted to explore with you the state of the travel alert in relation to Indonesia and whether or not you have given any thought to altering that travel alert in recent months et cetera?

**Mr Richardson:** In fact, we have been regularly looking at it, but the core of the travel advisory remains unchanged.

**Senator TROOD:** You are aware of Indonesian criticism of the nature of this travel alert, I think?

**Mr Richardson:** Yes, and I do understand their perspective.

**Senator TROOD:** Are you receiving regular representations about this from the Indonesian government?

**Mr Richardson:** We are not receiving regular representations. However, Indonesia's view is clear, and the absence of regular representations should not be read in terms of a lessening of concern on their part. I am quite certain, Senator, that if you were to ask a representative of the Indonesian government they would articulate the views that you are familiar with.

**Senator TROOD:** Have you considered altering the warning in light of these concerns or in light of your assessment of the situation?

**Mr Richardson:** We have not considered changing the travel advisory because of Indonesian concerns because we should not take into account what other countries might think when it comes to our obligation to provide accurate travel advice to Australians abroad.

However, we do as a matter of course keep the travel advice under review and we do have quite a few discussions about it.

**Senator TROOD:** Has it been reconsidered recently?

**Mr Richardson:** I do not know whether it has been reconsidered recently in terms of any formal process, but it does often come up in discussions, both within the department and with other agencies.

**Senator TROOD:** Is there a formal process that you go through before you change an advisory from the department?

**Mr Richardson:** Were we of a mind to seek to change the travel advisory in respect of Indonesia I would certainly require consultation with relevant agencies. In particular, we would need to seek renewed detailed advice from the National Threat Assessment Centre within ASIO. We would need to consult with other relevant departments and agencies, we would need to consult with our embassy in Jakarta and our Consulate General in Denpasar and we would also need to consult with the minister and possibly with other ministers as well.

**Senator TROOD:** But you have not been persuaded to undertake those consultations?

**Mr Richardson:** Not at this point, Senator.

**Senator TROOD:** Thank you. I have finished that topic. I have not finished Indonesia. I am happy to continue unless somebody else wants to—

**CHAIR:** Yes, you can finish your work.

**Senator TROOD:** I have some questions, Secretary, about the Indonesia live export trade and that very distressing *Four Corners* episode that appeared on Monday evening, which unfortunately I have not yet seen in full because I was here. In so far as there is an agency involved in this, it is the Department of Foreign Affairs and Trade?

**Mr Richardson:** The department of agriculture is the lead agency.

**Senator TROOD:** Has the department of agriculture sought advice from you at any stage about the state of the slaughtering industry—if that is the appropriate term—in Indonesia?

**Mr Richardson:** Certainly both the department of agriculture and the Department of Foreign Affairs and Trade have had discussions with Indonesian officials about it. Whether the department of agriculture has formally sought advice from us, I am not sure.

**Ms Gordon-Smith:** As far as I am aware, Senator, the Department of Agriculture, Fisheries and Forestry has not sought advice from us in relation to conditions in abattoirs in Indonesia.

**Mr Richardson:** If they had done, I do not know that we would have been able to add any more to what they already knew.

**Ms Gordon-Smith:** I could say that the Department of Agriculture, Fisheries and Forestry does have its own staff. It has an officer in our embassy in Jakarta.

**Senator TROOD:** But they have never sought your counsel or advice about the slaughter?

**Mr Richardson:** Given the way that would normally work, given that they have an officer in the Australian embassy, which means that person is part of the embassy team and is answerable to the ambassador, that sort of interaction would take place primarily in Jakarta rather than here.

**Senator TROOD:** That may be, but it would not be beyond credibility that the ambassador might have reported some discussion they have had or concerns that have arisen about the state of abattoirs in Indonesia, would it?

**Mr Richardson:** I am not aware what reports, if any, have come down, Hugh or Nicki are you aware of them?

**Mr Borrowman:** In respect of the specific instances highlighted in the *Four Corners* program, the embassy and the departments became aware of those only in the last couple of weeks. The question of animal husbandry in Indonesia has been an ongoing part of the Australian government's engagement with them and with industry in both countries for many years. Over that period—and this is a question on which I am sure DAFF could give you much more information—the question of standards has been part of the dialogue.

**Senator TROOD:** Animal husbandry—does that involve the abattoirs, Mr Borrowman?

**Mr Borrowman:** Yes, it does.

**Senator TROOD:** You have been aware of the practices that have existed at abattoirs in Indonesia; is that right?

**Mr Richardson:** I would have to take on notice what the department of foreign affairs has known when. Whether we had any advice relating to specific practices, I do not know. We would need to check that. I think it is fair to say, and it is fairly clear from the public record, that officials were aware that standards in Indonesia were not of the same standards as here in Australia. I think that is true of both the cattle industry here in Australia and officialdom here. What specific knowledge and what precise practices people were or were not aware of, I do not know.

**CHAIR:** Senator Trood, I have some problems with this line of questioning.

**Senator TROOD:** Really?

**CHAIR:** I do. The line department with responsibility for this is the department of agriculture. Simply because there is an officer of the department of agriculture located in our embassy in Indonesia and reports to the senior officer, being the ambassador—as do defence department officials, AFP officials and Customs officials who are located right throughout our embassies around the world—it does not necessarily mean that because of that temporal location the ambassador has passed on particular knowledge to the secretary here. In any event, it is a portfolio responsibility. Unless I am directed otherwise by the parliamentary secretary of the department of agriculture, questions relating to conditions in abattoirs of that department should be directed to that department, not here. That is my suggestion. The parliamentary secretary has the call.

**Senator McLucas:** Thank you, Chair. I think that is very appropriate. Questions around the condition of abattoirs et cetera should be directed to the department of agriculture.

**Senator TROOD:** Thank you for that guidance, Chair. There are many instances where—

**CHAIR:** It is not just guidance. The parliamentary secretary has issued a direction.

**Senator TROOD:** Let me just finish, will you? There are many instances around the world where there is collocation. We all know that DAFT has responsibility for maintaining our missions. We all know that the head of mission is, in almost all cases, a DFAT officer. There are departments located in embassies of all kinds—Attorney-General's, Environment,

Immigration et cetera. That does not mean it follows that there is never any communication between the department here in Canberra and the ambassador or, indeed anybody else in the embassy, about the matters that might pertain to Immigration, Attorney-General's et cetera.

**CHAIR:** It is right.

**Senator TROOD:** All I seek to explore is whether or not there was any information held by this department in relation to this matter. Equally, I seek to explore whether or not any information has been provided to the government. I understood Ms Gordon-Smith to say that there had been no advice given.

**CHAIR:** I am taking it a step further. I am advising you that temporal collocation of officers between departments is not an invitation to go on an exploratory mission of the department that does not have line responsibility.

**Senator TROOD:** I am not seeking—

**CHAIR:** Questions to that effect are to be directed to the department of agriculture, not here.

**Senator TROOD:** I am not seeking to trawl—if I may use that word—through the department. All I am trying to do is to determine whether or not the department has given any advice to Agriculture about this matter. Ms Gordon-Smith, I thought, actually ended the matter in one sense because she told me there had not been. Now I learn from Mr Borrowman that a lot of information has come to the department on matters relating to animal husbandry, which he tells me covers the area of the abattoir. We seem to have a difference of view here. I am happy for this matter to be clarified and I will move on. What I want to know is whether or not this department possesses information or whether or not this department has provided information to the department of agriculture about these matters. I have another question which I would—

**Mr Richardson:** We would need to take that on notice, Senator. I do not believe I could give you an accurate answer one way or the other in respect of that.

**Senator TROOD:** Perhaps you would do that. Can you tell me whether or not when the *Four Corners* team was preparing its program it made any approach to the department or to the embassy in Jakarta about access? Did it seek assistance?

**Mr Richardson:** I do not know. I would need to take that on notice, Senator.

**Senator TROOD:** Did it seek any assistance from the mission in regard to its activities?

**Mr Richardson:** I would need to take that on notice, Senator.

**Senator TROOD:** Perhaps you would do that for me, please. While you are doing that, Secretary, if it turns out that they did seek assistance perhaps you would let me know when that was and the kind of assistance that was requested from the department.

**Mr Richardson:** Yes.

**Senator TROOD:** The prisoner transfer agreement with Indonesia—how are we getting on with that?

**Mr Suckling:** It is principally a matter for the Attorney-General's Department which has the carriage of negotiating the agreement. My understanding is that discussions are taking place, but it is not going to be a quick process. Indonesia has never had a prisoner transfer

agreement with anybody, so it is all new ground for them. A whole lot of preliminary discussions are being conducted. The detail of those is with the Attorney-General's Department.

**Senator TROOD:** So you are not leading those discussions?

**Mr Suckling:** No.

**Senator TROOD:** Are you able to tell me whether a draft agreement has been sighted or prepared?

**Mr Suckling:** My understanding is no. They are preliminary discussions about the nature of a prisoner transfer agreement. As I said, Indonesia has never had one of these before. It is all very new ground for them. We have been encouraged by President Yudhoyono's public comments last year in terms of exploring a prisoner transfer agreement. That has provided a good basis for intensified discussions with Indonesian officials. The details of those discussions are a matter for the Attorney-General's Department.

**Senator TROOD:** Is that what Mr Rudd meant when he said in response to a question from the ABC that we have made significant progress? The quote I have here, when asked about this matter:

Indonesia has no such arrangement with any other country in the world. so this would be a first—  
that is what you have told me—  
but we've made significant progress.

**Mr Richardson:** What date was that, Senator?

**Senator TROOD:** That report was this month. I am reading from a report in the *Age* from Mr Gartrell of 12 May 2011.

**Senator KROGER:** It has to be true if it was in the *Age*!

**Mr Richardson:** In terms of where we were this time last year, we have made significant progress. The big bit of progress was made during the Prime Minister's visit to Indonesia late last year when, at a press conference, President Yudhoyono for the first time put that on the table. Since then there has been a meeting between officials and, therefore, in that broader context I understand what the minister is saying. In terms of precisely where negotiations are up to or the discussions are up to, again, I would need to take that on notice.

**Senator TROOD:** Please do that. We are talking about significant progress on the basis of beginning from a very low base rather than having made significant progress over the last few weeks, for example.

**Mr Richardson:** I think that is—

**Senator TROOD:** Is that what we are to take from this?

**Mr Richardson:** I stand to be corrected, but that is as I would read it.

**Senator TROOD:** If you can find some details, Mr Richardson, I would be grateful for that. I do not think I have anything further on South-East Asia, Chair.

**CHAIR:** One of your colleagues does. Senator Ronaldson?

**Senator RONALDSON:** Thank you very much, Chair. I will not worry about the prelims; I will go straight to the point. There was an article in the *Australian* on 6 May that quoted you

in relation to the Umar Patek arrest, if I am pronouncing the gentleman's name correctly. Quickly by way of background, the article said:

Pakistan's ISI intelligence agency claims Mr Rudd "shattered" a confidence by publicly confirming the arrest of Bali bomber and al-Qa'ida acolyte Umar Patek in late March.

The Department of Foreign Affairs and Trade's most senior official, secretary Dennis Richardson, yesterday dismissed the claims as "untrue and absurd".

But an ISI spokesman told The Australian yesterday Pakistani authorities had deliberately kept secret Patek's arrest in January—in the same town where bin Laden was found and killed this week—for fear that "subsequent leads would all go dead".

The article went on to say:

The spokesman—

that is, the ISI spokesman—

said they were dismayed when Mr Rudd, on March 30, confirmed the arrest at the end of a Bali Process meeting he co-chaired with Indonesia's Foreign Minister Marty Natalegawa. "Information on the arrest of such people is not released for as long as possible so we have time to get his contacts because there's always a fish bigger than him," he said. "If the news gets out that this person has been arrested then all his contacts disappear. That's precisely why we did not do it but somebody else beat us to it. Your guys (Australia), in their wisdom, thought it would be good to score a point. They had no hand in his arrest. We're the ones who arrested him and we shared that information with them in confidence and that confidence we found was shattered when they immediately went public with the information."

Mr Richardson, I have no reason to believe that you do not stand by your comments that the claims were untrue and absurd. I assume that is correct.

**Mr Richardson:** That is right.

**Senator RONALDSON:** My question is: have you been able to ascertain whether the quote from the ISI spokesman was indeed correct?

**Mr Richardson:** I have not sought to ascertain that, Senator.

**Senator RONALDSON:** Why would you not have done that?

**Mr Richardson:** Prior to the minister's comments there had been so much commentary and coverage in the international media for quite some time that I did not believe it was necessary.

**Senator RONALDSON:** Mr Richardson, I am prepared to accept that everything you say is absolutely correct. The issue, though, is that the ISI spokesman—I have no reason to disbelieve the article which is written by Amanda Hodge and Peter Alford and I have no reason to believe that a newspaper such as the *Australian* would actually make up these comments. I would have thought it would be imperative for you to ascertain from the Pakistani authorities why they would hold this view and what actually drove these comments.

**Mr Richardson:** No, not at all.

**Senator RONALDSON:** It does not concern you that they have effectively said publicly that our foreign minister has shattered another nation's intelligence confidence by releasing this information? You did not think it appropriate to at least make some inquiries in relation to that?

**Mr Richardson:** No. We stand by the comments that we made at the time.

**Senator RONALDSON:** I am not refuting your comments that they are untrue and absurd. You are missing the point. What I am saying is: why did you not pursue with the Pakistani authorities an explanation as to why they would have made those comments, given your view that they were untrue and absurd? It is hard to imagine, is it not, a worse reflection that can be made by the intelligence agency of another country against our own foreign minister that he could not keep a confidence—and, indeed, he shattered the confidence?

**Mr Richardson:** Some things you simply let go through to the keeper. You do not chase every rabbit down every burrow, and we simply took a decision that there was no need to in this case.

**Senator RONALDSON:** If this report is correct, this is no rabbit. This was a quoted ISI intelligence agent in relation to this issue. This is not a rabbit, and it is certainly not the comment of a rabbit. I would have thought you would have been concerned enough to actually try and ascertain from the Pakistani authorities why there was someone in their agency making these sorts of comments and potentially bringing our own foreign minister into disrepute internationally.

**Mr Richardson:** No, there was no need to do that.

**Senator RONALDSON:** I suppose others will judge the appropriateness or otherwise of that.

**CHAIR:** Do we have further questions on South-East Asia? No. In that case we will turn to the Americas. Any questions on the Americas?

**Senator TROOD:** I should just say in relation to South-East Asia that I did have some questions on terrorism and counterterrorism. They are broad in nature. I thought I would seek Mr Paterson's attention a bit later on and cover the Indonesian dimension at the same time.

**CHAIR:** Okay. You now have questions on the Americas?

**Senator TROOD:** I do not think I have any questions on the Americas.

**CHAIR:** Senator Kroger, the Americas?

**Senator KROGER:** Thanks, Chair. Just a couple of things. I was wondering if the department can give us an update on the proposed visit by President Obama.

**Mr Richardson:** Not at this point, Senator. I do not believe I should speculate about when the President may or may not visit.

**Senator KROGER:** Thank you. I thought I would give it a shot.

**Senator RONALDSON:** To follow up on that, are there ongoing discussions between the government and the United States government in relation to a possible visit?

**Mr Richardson:** From time to time it gets raised. There are not 'ongoing' discussions in that sense. It is mentioned from time to time.

**Senator KROGER:** I have a question in relation to the US Study Centre. Apparently, DFAT are contributing half a million over three years as part of a \$2 million funding package by the government towards the cost of a three-year study of the Australia-United States alliance by the United States Study Centre; is that right?

**Mr Richardson:** That is right.

**Senator KROGER:** Can you give me any information about that and provide any background to it?

**Mr Richardson:** It is an initiative by the US Study Centre. I think the alliance this year is 60 years old. It is a study looking at the alliance and its future direction and the like. It is being funded both by a contribution from the Australian government and by private sector contributions.

**Senator KROGER:** The study itself is being undertaken here Australia?

**Mr Richardson:** Here in Australia there will be some research, and obviously there will be some research and activity in relation to it in the United States, but it is based here at the US Study Centre in the University of Sydney.

**Senator KROGER:** I have another question. I do not know whether you are going to be able to answer this. I am not trying to—

**Mr Richardson:** Can I just say in relation to that, because I want to declare it, that I am on the board of the US Study Centre.

**Senator KROGER:** Congratulations—I was not aware.

**Mr Richardson:** No, I just thought I should say that so that any suggestion of conflict of interest and all of that—

**Senator KROGER:** Who else is on the board?

**Mr Richardson:** Former Premier Bob Carr is on the board. Lucy Turnbull is on the board.

**Senator KROGER:** You are with great luminaries.

**Mr Richardson:** The chair of SBS, I think, is on the board, but I stand to be corrected; Geoff Garrett, of course, and the like—I have not got all the names in my head. The suggestion for the contribution from the department did not come from me!

**Senator KROGER:** I was not going to be so suggestive that I would have proffered that.

**Mr Richardson:** I would be shot by a few people behind me, I think, if that were the case.

**Senator KROGER:** Do you know anything about the storage—with your indulgence, Chair, I am not sure if it comes under Americas—

**CHAIR:** Why don't you ask the question and we will see?

**Senator KROGER:** I will do that. I am seeking your indulgence for two minutes here. I understand that there has been an agreement forged in relation to us allowing the United States to store aircraft passenger data for 5½ years, and there was an agreement struck. Are you aware of any—

**Mr Richardson:** I can return the favour to Andrew Metcalfe in saying that all questions on that should be directed to my good friend who has so kindly directed questions to me this evening.

**Senator KROGER:** That is quite appropriate because he has handballed a few here over the last couple of days. Chair, thank you; that is it from me.

**CHAIR:** Any further questions on the Americas? Let us pop over to another continent—Africa. Senator Ferguson had some questions on Zimbabwe. I know what he wanted to explore. He wanted to explore contributions of aid to countries in Africa, particularly southern



Africa—whether currently the government is giving consideration to making a portion, undefined, of the contribution to issues relating to rule of law, sound governance and the like?

**Mr Richardson:** I think that would be best put to Mr Baxter, the head of AusAID.

**CHAIR:** Thank you.

**Senator TROOD:** Having just visited Africa as part of a parliamentary delegation, one of the things that struck me was the very cramped conditions in which the high commission in Accra is operating. It seems to be bursting at the seams, as it were, with the number of A-based and locally engaged staff. I wonder whether or not the department has any plans to try and ease the pressure that exists on the chancery and find alternative premises. Is it doing anything about that issue?

**Mr Richardson:** Perhaps Mr Davin might come up. Is it possible to take that question tomorrow, in the sense that that comes under a subsequent program outcome and the relevant division head is not here at the moment?

**Senator TROOD:** I can ask that question tomorrow. That is a consular issue, or is it a state issue? Is it a property and state issue?

**Mr Richardson:** It is a property issue, yes.

**Senator TROOD:** I did want to ask a question about the situation that exists in Zimbabwe at the moment and the department's assessment of the direction in which events are moving there.

**Mr Tweddell:** Yes, we are deeply concerned about the situation in Zimbabwe. We continue, as you would know from your travels and from your briefings, to support Prime Minister Tsvangirai and his view that the Global Political Agreement, which created the current shared, inclusive government back in February 2009, is the best prospect for a better future in Zimbabwe. It is the only game in town, as it were. We are concerned about efforts to undermine that agreement. There is ongoing political intimidation, control of the press and unilateral appointments of the governor of the central bank et cetera, as you know. We continue to call upon the parties to the GPA, the Global Political Agreement, to implement its provisions in full and to show full respect for human rights and the rule of law.

We welcome the Southern African Development Community's communique on 31 March, which is a sign, at least, that the region has finally drawn a line in the sand on Zimbabwe—let us hope. We want to work with SADC and with South Africa to set the right conditions for a peaceful and credible election in an environment free from intimidation and violence, and under a new constitution voted on by the people.

We are pleased that SADC and South Africa have made some progress on a road map to elections, and we are looking forward to seeing some detail on that road map. It is not an easy thing. The work done so far on that road map has been an important first step. As you know, many issues remain outstanding. For example, we want to see a fully independent Zimbabwe electoral commission with external observers, with pledges of noninvolvement by security chiefs and so forth. It is not an ideal situation we face there. We are deeply concerned at violence by youths in Harare, which you know about, which is totally unacceptable and should be dealt with to the fullest extent of the law.

**Senator TROOD:** It is certainly not a satisfactory situation, Mr Tweddell. My understanding from my visit—and the chair was with me on that visit—is that the global agreement was to lead to the drawing of a new constitution to be followed by a referendum to be followed by elections. It is a month plus now since we were there. I have seen some reports that suggest that the Mugabe government is proposing to have elections relatively soon, which seems to be inconsistent with that process. What I am asking is: has there been a change in circumstances that exist there in the last few weeks? When I say that, I mean has there been a change in the likely timetable for the elections and also an increase in the violence of which we were informed while we were there? Has that intensified and is it more widespread than was the case a month ago?

**Mr Tweddell:** I think it comes and goes, Senator; that is the only frank think to say. I am not sure we are seeing a trend line inexorably in a certain direction. We watch this thing fairly closely—of course we do. We are not complacent about it. We make strong representations to the Zimbabwean authorities about it and also to representatives of others who might have some influence—the African Union, SADC, South Africa. We are in constant touch with them. We also encourage others through all sorts of things—through the Friends of Zimbabwe Group and so forth. We are encouraging the international community to maintain pressure as well to try to get this thing to work. Sometimes I suspect—I do not know what the right expression is really—that there is some shadow boxing by ZANU-PF when it comes to questions of what they might or might not do with the constitution and elections as well. It is not always easy to know what is to be taken as a definitive view.

**Senator TROOD:** The reference you made to SADC's statement of March—

**Mr Tweddell:** Yes, 31 March, I think.

**Senator TROOD:** which was a welcome sign by everybody of a resolve that had not previously been there on their part—have you seen any further signs that they are intending to maintain that position or are increasing the resolve that was reflective of that position?

**Mr Tweddell:** We are hopeful. We are hopeful that what they indicated in terms of progressing towards a road map for elections and so forth will stick and it will be made to stick, despite some tacking and filling along the way.

**Senator TROOD:** Thank you.

**CHAIR:** Any more to go?

**Senator LUDLAM:** Can I stay on Zimbabwe, if that is okay?

**CHAIR:** Yes. Senator Ludlam.

**Senator LUDLAM:** Unless Senator Trood covered this, I just wanted to raise the issue of the six human rights activists in Zimbabwe who now face charges of treason for organising a meeting to screen a film about the democracy struggles in Egypt and Tunisia. Are you familiar with that case?

**Mr Tweddell:** I am not intimately familiar, but in general terms, yes.

**Senator LUDLAM:** So there are now effectively six political prisoners. They were granted bail. They have been told that their case will continue in a magistrate's court on 18 July, despite the fact that that court has no jurisdiction over treason. The charges that they are

up for carry the death penalty. I am wondering whether you can tell us whether the department has made any inquiries in relation to their case.

**Mr Tweddell:** I would have to take that on notice, if I may, and get back to you about specific actions on it.

**Senator LUDLAM:** If you could.

**Mr Tweddell:** As a general principle, you can take it as read that our ambassador there and his staff take a very close interest in everything to do with the human rights situation, the rule of law situation, civil liberties and so forth.

**Senator LUDLAM:** How many people have we got based in our embassy there?

**Mr Tweddell:** I would have to check that.

**Mr Richardson:** We do not provide precise numbers in embassies.

**Senator LUDLAM:** I presume it is one of the smaller offices.

**Mr Richardson:** It is a small post though.

**Senator LUDLAM:** Given the enormous range of human rights abuses that occur in that country probably daily, I am wondering how you or the staff choose which inquiries to pursue. I am very happy to put the case of these six people who were arrested for doing nothing more than showing a film, but I wonder if I should ask you whether you would pursue the issue with the Zimbabwean government. Do our embassy officials spend 100 per cent of their working lives raising cases like this?

**Mr Tweddell:** No, of course not. But they do—they are committed to doing and they do, as far as I can see—a very good job of maintaining networks of contacts which enable them to be well aware of emerging human rights problems in the country. As for the specific examples you give, I am grateful to you for raising them. I will make sure they are aware of them and I will get back to you.

**Senator LUDLAM:** I would greatly appreciate that. My understanding, as far as I am aware, is that they were released on bail. They are not currently in detention of any kind. They and their families, obviously, have grave fears for their wellbeing. If you are able to pursue that, just check for us if you have taken any action so far. If you are able to pursue that with the government through our channels that would be greatly appreciated.

**Mr Tweddell:** Sure.

**Senator LUDLAM:** Thanks very much. I have no other questions.

**Senator TROOD:** I have a couple more questions on Africa. Earlier in the day I asked some questions about the activities of Mr Fisher and Mr McMullan in Africa with regard to the Security Council. I was provided with some information about that, I think dates and where they had gone et cetera. Just as a follow-up to that, have there been any other visits by individuals to other parts of Africa in relation to the Security Council bid more particularly? They are envoys dedicated to that task. Have there been any other—

**Mr Richardson:** The best I can do is take that on notice. Caroline Millar will be here tomorrow.

**Senator TROOD:** She is here.

**Mr Richardson:** She might be able to come to the rescue now.

**Ms Millar:** Senator, I do not actually have any additional information.

**Senator TROOD:** In other words, there have not been other visits?

**Ms Millar:** Certainly we have not dispatched anyone else.

**Mr Richardson:** There have not been other visits.

**Senator TROOD:** Beyond the work that officials at the Australian post might have undertaken on this subject, there have been no other special visits or anything of that kind?

**Mr Richardson:** There have been no other special visits, but there has certainly been activity. For instance, as is on the public record, the foreign minister visited Ethiopia in late January this year. He addressed an African Union foreign ministers meeting. Over the period he was in Addis Ababa he had bilateral discussions with 28 African counterparts.

**Senator TROOD:** I should take it that one of the matters on the agenda was the Security Council bid; is that right?

**Mr Richardson:** The focus of his discussions, in large part, was the growing economic interests that Australia has in Africa, particularly through our investment in their resource sector and in cooperation in those areas. He most certainly would have raised our UN Security Council bid with, certainly, some of those 28.

**CHAIR:** We now go to questions on Europe.

**Senator TROOD:** The only question I have about Europe is a follow-up to a question I had on notice, which is question 15, relating to this curious set of events surrounding the website at the Australian embassy in Belgrade. I would be grateful if anybody could provide me with further information as to whether or not the hacking—or whatever way one describes it—has reoccurred and whether or not we are now confident about the security of the website or whether the interference that was existing has now disappeared?

**Mr Richardson:** Jeremy, have you got any information on that?

**Mr Newman:** I am not aware of any information since we made the reply.

**Senator TROOD:** Mr Newman, you know the activity I am referring to?

**Mr Newman:** Yes, Senator, I do.

**Senator TROOD:** You provided this information, or it came from your division?

**Mr Newman:** It came from my division.

**Senator TROOD:** I do not know how recent this information is, of course. Is there anything further you can add to this advice that you have given me about the state of the website?

**Mr Newman:** No, Senator.

**Senator TROOD:** Do you have any reason to be concerned about it since I raised it previously?

**Mr Newman:** It is basically information that we gave you at the time. DIAC was concerned about the use of false websites purporting to represent Australian government positions. As far as I am aware, the situation has not changed. We can take that on notice.

**Senator TROOD:** That is fine; thank you.

**CHAIR:** We now turn to South and West Asia and the Middle East.

**Senator RONALDSON:** I have a couple of questions. Can I talk initially about the Palestinian Authority, which is now to be ruled by a unity government controlled by Hamas and Fatah. That agreement was reached in the first week in May, was it? You do not know an exact date, Mr Stuart, by any chance, do you?

**Mr Stuart:** Yes, that is right, Senator. I think it was 3 May when it was announced by Fatah and Hamas leaders.

**Senator RONALDSON:** Just so I am clear: Hamas is still considered a terrorist organisation in Australia, isn't it?

**Mr Stuart:** Yes.

**Senator RONALDSON:** Thank you. I just want to draw your attention to a comment made by the Prime Minister in July 2009, in the aftermath of the Gaza war, in relation to whether Australia would deal with the Palestinian government if Hamas were to be included. The Prime Minister's quite unequivocal response was:

Hamas obviously is a terrorist organisation that has been engaged in violent actions against the Israeli people, and in order to be part of any process it needs to completely renounce that violence ...

Are you aware of those comments?

**Mr Stuart:** I am sorry; I am having trouble hearing you.

**Senator RONALDSON:** My apologies. Were you aware of those comments?

**Mr Stuart:** Would you mind repeating your question?

**Senator RONALDSON:** I am prepared for you to say, 'No, I am not.' I will accept that what you are telling me is correct. I just wanted to know if you are aware of them.

**Mr Stuart:** My problem is that I simply could not hear the question.

**Senator RONALDSON:** Sorry. In July 2009, in the aftermath of the Gaza war, the Prime Minister was asked if Australia would deal with the Palestinian government if Hamas were to be included. Her response was:

Hamas obviously is a terrorist organisation that has been engaged in violent actions against the Israeli people, and in order to be part of any process it needs to completely renounce that violence ...

Were you aware of those comments?

**Mr Stuart:** I do not recall the comments from 2009, but it is the government's position that Hamas must renounce violence and a number of other things.

**Senator RONALDSON:** Indeed, Prime Minister Haniyeh, I think following the death of Osama bin Laden, described him as an 'Arab holy warrior'. Were you aware of that comment?

**Mr Stuart:** Prime Minister who?

**Senator RONALDSON:** Haniyeh. Am I pronouncing it correctly—the Palestinian Prime Minister?

**Mr Stuart:** No. The Prime Minister of the Palestinian Authority is Mr Fayyad.

**Senator RONALDSON:** Ismail Haniyeh—who is that?

**Mr Stuart:** I am really not sure who you are referring to.

**Senator RONALDSON:** It is not a trick question. If I have the wrong information then I have the wrong information. Can I just take you back to the situation with Hamas. Have they yet agreed to recognise Israel's right to exist?

**Mr Stuart:** Not to my knowledge.

**Senator RONALDSON:** Have they agreed to renounce terrorism?

**Mr Stuart:** No, I do not believe so.

**Senator RONALDSON:** I do not believe they have either.

**Mr Stuart:** At least, they have not made any public statements that I am aware of to that effect.

**Senator RONALDSON:** No, indeed. I presume you would agree with me that firing rockets aimed at civilians from Gaza into Israel would be a terrorist activity; I presume you would agree with me that dispatching suicide bombers into shopping centres and onto buses would be terrorist activities; and I presume you would agree with me that Hamas has fired rockets from Gaza into Israel and dispatched suicide bombers into that country? I presume you would agree with me that the lives of Australian citizens travelling or residing in Israel have been placed at risk in the past by this sort of terrorist activity?

**Mr Stuart:** I would not take issue with any of that, Senator.

**Senator RONALDSON:** I take it that there was no forewarning about this agreement between Fatah and Hamas in the unity government?

**Mr Stuart:** Even though there has been a negotiation going on for quite a while, it did take not only us but many others by surprise.

**Senator RONALDSON:** I ask these questions for this reason: we are providing aid to the Palestinians and, given the short period of time between the budget, which I think was 10 May, and this announcement on 3 May, I would presume that there had been no discussions taking place between the Australian government—DFAT or whoever it might have been—and the Palestinian authorities in relation to your concerns about Hamas being a part of the Palestinian Authority and what that would mean for Australia's views in relation to aid.

**Mr Stuart:** Hamas is not a part of the Palestinian Authority; indeed, the specific terms of the agreement that was announced on 3 May are that it will not be a part of a Palestinian authority.

**Senator RONALDSON:** What will it be part of then?

**Mr Stuart:** The announcement was that a technocratic government—and we are waiting to see exactly what the composition of this government is—and which we understand would comprise people who do not come from political parties, with the possible exception of Mr Fayyad, who might continue as Prime Minister—Mr Fayyad had open heart surgery in the United States, I believe, last week, but it is possible that he would be able to continue to lead this technocratic government—would be formed and it would remain in place until elections were held in around April or May of next year in the Palestinian territories. Hamas does not form a part of the executive, so Hamas is not a part of the Palestinian Authority.

**Senator RONALDSON:** What will the role of the Palestinian Authority be, post this new unity government?

**Mr Stuart:** The unity government will be—I think the expression that was used was—like a service provider. It will make sure that the basic services that we would expect a municipal council to deliver will continue so that the territories can run up to this election next year.

**Senator RONALDSON:** After the election, what role will the Palestinian Authority play, or will it cease to exist?

**Mr Stuart:** That is a good question. We do not know exactly in what form, but, under their constitution, as I understand it, a president is elected who organises the government, and there is a legislative assembly. Hamas, I imagine, would be seeking seats in that legislative assembly. There is a legislative assembly at the moment—it has not met for some time—and Hamas has a number of seats in that assembly. But the government is formed by electing a president, who then names a cabinet.

As I understand it, there are many donors—I think you understand, Senator, that there are many donors, including countries like the United States and Britain—that provide assistance to the Palestinian people through the Palestinian Authority. The Palestinian Authority actually purged all Hamas members from the ranks of the bureaucracy both for political reasons and in order to be able to receive donor assistance. As I understand it, there are strict rules that avoid any of this funding going to Hamas. Certainly, I am aware of some safeguards in our own agreements. The details of that are probably something that the Director-General of AusAID is better placed to explain than me.

**Senator RONALDSON:** I have been circumspect about my questions to DFAT on this. I take it from what you have said that you are not sure whether the Palestinian Authority will continue to exist or not. Is that a reasonable assessment?

**Mr Stuart:** We are waiting to see exactly what will happen. We have not seen the composition of this technocratic government; it has been talked about now for a couple of weeks. We, like others, are waiting to see what will happen. But our understanding is that this government will take over the executive role; that the PLO, of which Hamas is not a member—and it is unlikely to be a member on its current settings, because the PLO has agreed to accept the existence of the State of Israel and Hamas has not, as you have pointed out—will be the international face for the Palestinians. If we are able to resume negotiations, as we very much hope, it will be the PLO, with President Abbas, who will be at the table and not Hamas.

**Senator RONALDSON:** But, if the Palestinian Authority no longer exists, where would our aid be directed? I presume that it would be directed to the new unity government. There is nowhere else for it to go, is there?

**Mr Stuart:** Again, you are probably best placed to ask Mr Baxter for the details. But our aid goes to a number of areas. It goes to the UN Relief and Works Agency, UNRWA, which has a longstanding role in helping Palestinians in a number of places, not only in the Palestinian territories but elsewhere. It goes to a trust fund administered by the World Bank. I can mention the safeguards, and a number of them are written into the work of this trust fund which delivers funds, for example, that the British and other like minds give it. We also have a small amount of aid that goes through some Australian non-governmental organisations, again, with safeguards written in to ensure that no money goes to Hamas or for any other terrorist purpose.

**CHAIR:** Mr Stuart, the answer that you gave Senator Ronaldson to the previous question, where you outlined the governance arrangements for the PLO at an international level: do you state that as a current matter of fact, or is it likely to be the outcome of current negotiations sometime in the future?

**Mr Stuart:** That is what we understand from the announcement about this new so-called reconciliation agreement.

**CHAIR:** That it will be the case?

**Mr Stuart:** Yes; that Hamas is accepting that the international face for the Palestinians will be the PLO. Fatah is a party; the PLO is an organisation which includes Fatah. President Abbas is, of course, a leading figure in Fatah. Again, we, like the rest of the international community, are waiting to see exactly what this will mean in practice.

**CHAIR:** At that stage it is a foreshadowed announcement which may or may not come to pass?

**Mr Stuart:** Yes; and there is at least some intelligent speculation that it may be all too much. It was a surprise to see this agreement.

**CHAIR:** It sounds like a lot to me.

**Mr Stuart:** Yes. Not that long ago, these people were at each other, so we have to wait and see. But we are very conscious of, I think, the issue that Senator Ronaldson is raising, which is: we are giving funding to the Palestinians; are we absolutely sure that it is not going to terrorists? I am trying to provide you with some assurance that we are not and that we have been looking at that and we have safeguards.

**Senator RONALDSON:** You would accept that that is your view of the situation—and I am not reflecting whether it is or is not—under the current arrangement with the Palestinian Authority. But I take it that there are no guarantees that, under this unity government, the involvement of Hamas will not be such that any aid potentially will be going to terrorists. Also, I would assume that you will be reviewing our aid situation from a DFAT point of view, once you have a better idea of what these arrangements are actually going to mean.

**Mr Stuart:** Yes. We have already been looking carefully at what the arrangements are. As I say, we are waiting to see what this technocratic government will look like. Will it genuinely be apolitical, as people have said? Then there will be an election campaign and we will have to review things against what the outcome of that election is, if indeed it is held, in the middle of next year.

**Senator RONALDSON:** I would assume that the Australian government will not recognise that new regime if it includes Hamas, if Hamas has refused to acknowledge the right of Israel to exist and has not—the words I used before—renounced terrorism?

**Mr Stuart:** If Hamas is holding to all these positions, the absolute logic of our position at the moment is that we would not.

**Senator RONALDSON:** I have just been given a message that Ismail Haniyeh was the Prime Minister of Hamas-controlled Gaza; is that right?

**Mr Stuart:** That could well be right, yes. There is a Haniyeh who is a Hamas leader, yes. I do not know whether we describe him as the Prime Minister usually, but he is a Hamas leader in Gaza.



**Senator RONALDSON:** Do we know what role he will be playing in this new body?

**Mr Stuart:** As I say, from what the announcement was on 3 May, Hamas will stand back from a political role. It will, I am certain, either directly or under some other name, participate in the elections, but it will not be a part of the executive authority. That is what has been announced. We have to see what happens now.

**Senator RONALDSON:** Yes, indeed. Thank you, Mr Stuart. I think that has been a very frank assessment of things and I thank you for it. I do have one more, but not on this.

**Senator TROOD:** Just while we are on this topic, Mr Stuart: the access point from Gaza to Egypt has reopened, as I understand it. Did the Australian government make any representations to the Egyptian government about its change of policy in relation to that matter?

**Mr Stuart:** Not to my knowledge, no; I do not think so.

**Senator TROOD:** What view do you take of that development, if any?

**Mr Stuart:** The government has not made any public comments on that development. The government has a view on humanitarian access to Gaza, which I think you are familiar with and which is that that should be facilitated. But I do not think the government has expressed any view on the opening of what I think is called the Rafah crossing.

**Senator RONALDSON:** I have one quick follow-up question, Mr Stuart. Do AusAID come to your section when they are looking at aid programs to get some advice in relation to the appropriateness or otherwise of aid to a particular country or a particular organisation, or whatever it might be?

**Mr Stuart:** Yes, there is a discussion. Whether we go to them or they come to us depends on the issue, but there is discussion between the department and AusAID and between my division and relevant AusAID officials, yes.

**Senator RONALDSON:** Given that the budget was presumably well and truly locked away by 3 May, were there any discussions between yourselves and AusAID between 3 May and 10 May, when the budget was announced, in relation to the potential ramifications of the increase in aid or aid to Palestine generally? Were any concerns expressed at that stage, or was it effectively too late, given the timing of the budget and the timing of the announcement?

**Mr Stuart:** I cannot give you an absolutely authoritative answer on who discussed what with whom on exactly what date, but I can say that over the last few weeks we have been discussing with AusAID the issue of assistance to the Palestinians in the context of these developments.

**Senator RONALDSON:** I suppose this is asking for an opinion and, if you say that you are not prepared to give one, I will understand that. If this announcement had been made on 3 March, for example—this, for want of a better phrase, unity government—do you think in that situation there would have been a recommendation for a significant expansion of aid pending a greater understanding of—

**CHAIR:** This is conjecture.

**Senator RONALDSON:** I have already flagged that. The opportunity was given; I was quite up front with it. Perhaps I can just continue and then, if Mr Stuart wants to say it is conjecture, that is—

**CHAIR:** No, it started off with, 'What if something happened on 3 March?' didn't it?

**Senator RONALDSON:** But I premised the question by saying that I appreciate this calls potentially for an opinion, so I have been quite up front about it.

**CHAIR:** Yes, but that does not make the question—

**Senator RONALDSON:** That is me; you know that I am quite up front about these things.

**Mr Stuart:** Senator, if I have understood what you were driving at, it is a hypothetical question. All I can say is that, in giving advice to the government on this issue, we and AusAID are conscious that we must avoid the outcome where Australian assistance assists a terrorist entity.

**Senator RONALDSON:** Thanks, Mr Stuart. I think that is an entirely appropriate answer; I thank you for that.

**CHAIR:** Are there further questions on South and West Asia and the Middle East?

**Senator TROOD:** Indeed.

**Senator RONALDSON:** Chair, could I ask my colleague whether he has matters in the international organisations and national security area.

**Senator TROOD:** I have some national security things.

**Senator RONALDSON:** If you have, I wonder whether you might allow me to finish off my questions—and I have only one left for the evening. If that suits you, Senator Trood, I would be personally—

**Senator TROOD:** Do you want an early mark, Senator Ronaldson?

**CHAIR:** One question.

**Senator KROGER:** The chair is being very indulgent, if I may say so.

**Senator RONALDSON:** He is being very indulgent—and I am prepared to put the scones on, to thank you most sincerely for that. Mr Richardson, I want to turn to the events in late February and March in relation to Libya and the Prime Minister's and the foreign minister's comments in relation to no-fly zones for Libya. Rather than going through *Hansard* at great length, can I put a proposition to you that, prior to the Prime Minister flying to the United States and having a meeting with President Obama, the Prime Minister and the foreign minister were arguing that—and I will quote the foreign minister on *Lateline* on 3 March:

... we in Australia have argued for some time now that no-fly zones should be considered ...

Also, are you aware of a live issue brief—the chair and the parliamentary secretary would have a better idea of what it is, but I gather it is an issues document sent out from the Prime Minister's office to Labor backbenchers, which I think is probably the issue of the day, and it makes eminent sense to me. It said:

Australia is calling for the establishment of a no-fly zone as part of the international response.

I assume at that stage that represented government policy and that at that stage the Prime Minister and the foreign minister agreed on what Australia's approach was. Is that a reasonable synopsis of the situation?

**Mr Richardson:** I have not seen the document that you refer to.

**Senator RONALDSON:** No; but you saw the comments by both prior to the Prime Minister leaving?

**Mr Richardson:** Yes.

**Senator RONALDSON:** So it is not an unreasonable synopsis of what the situation was. The Prime Minister met President Obama, I think, in the White House on 7 March. You were there, weren't you?

**Mr Richardson:** Yes.

**Senator RONALDSON:** I understand that the President told the Prime Minister that—for want of a better word—perhaps our rhetoric in relation to the no-fly zones was not particularly helpful and that it should be toned down—

**Mr Richardson:** I am sorry, Senator?

**Senator RONALDSON:** That it should be toned down and that, indeed, the matter—

**Mr Richardson:** Who said what to whom?

**Senator RONALDSON:** The President indicated to the Prime Minister that there were some concerns about Australia's line in relation to the no-fly zone.

**Mr Richardson:** No, that is not right.

**Senator RONALDSON:** That is not right?

**Mr Richardson:** No.

**Senator RONALDSON:** So President Obama did not indicate to our Prime Minister that this was a matter for the Security Council?

**Mr Richardson:** I cannot recall the detail of the discussion, but I certainly cannot recall the President making any negative comment, directly or indirectly, in respect of Australia's position re Libya and a possible no-fly zone.

**Senator RONALDSON:** Was the matter discussed?

**Mr Richardson:** Libya, the Middle East, was discussed; the detail I cannot recall.

**Senator RONALDSON:** I put it to you that, indeed, President Obama indicated, strongly or otherwise, to the Prime Minister that this was a matter for the Security Council and for the Security Council's determination. Was that conversation had?

**Mr Richardson:** The only thing I can say is that I am simply not aware of the President having said anything by way of implication, directly or indirectly, in any way that could have been read as being critical in respect of Australian comments concerning Libya and a possible no-fly zone.

**Senator RONALDSON:** When the Prime Minister left for the US, and, indeed, in the comments from the foreign minister prior to then, Australia's position was—and it is set out in this brief—that we were calling for the establishment of a no-fly zone as part of the international response. After the Prime Minister had met President Obama, the message was

very significantly nuanced back to a far more neutral aspect, in that it was up to the Security Council and its determination in relation to this matter.

I am asking you: why was that not communicated to Mr Rudd, who was still putting out press releases in relation to this matter which were at odds with the Prime Minister's comments? I will just get to those press releases now. On 7 March—and I am prepared to accept that, given that the Prime Minister met President Obama on the 7th, there might have been a time difference and that this might have been put out before the Prime Minister's meeting with President Obama. Before I go on, with these sorts of matters, are there any discussions between the Prime Minister's office and the foreign affairs minister's office in relation to the issuing of press releases, both content and timing?

**Mr Richardson:** I do not know. What I would say—which I think goes to, I suspect, the overall interest—is that I think at that time, when the Prime Minister was in Washington and subsequently in New York, there was a lot of over-interpretation of what both the Prime Minister and the foreign minister were saying. I think, as far as I could see, they were both on the same page. They were responding to slightly different questions from slightly different audiences, and I think there was an over-interpretation of what each was saying.

**Senator RONALDSON:** With the greatest respect, I do not think there was any misinterpretation at all, because the Prime Minister left this country and she had already directed her backbench in relation to Australia's position, which I articulated before, and that had been confirmed by Mr Rudd in relation to comments. But then, after the meeting with President Obama, the Prime Minister's position was that the question of a no-fly zone was a question for the Security Council and its determination.

**Mr Richardson:** Which it always was.

**Senator RONALDSON:** But Mr Rudd, on the 7th, and I am prepared to accept that there might have been some timing differences—can I just go back? You have no idea whether there is any communication between the Prime Minister's office and your minister's office in relation to the preparation of press releases on foreign affairs matters?

**Mr Richardson:** Certainly, communication was going on. Indeed, in answer to a question in New York, the Prime Minister stated that I had been talking with the foreign minister when this issue was being explored by the media. I do not think there is any contradiction or any real nuancing between the statements about a no-fly zone prior to departure from Canberra and the comments about the role of the UN Security Council.

**Senator RONALDSON:** But, with the greatest respect, the Prime Minister, after meeting with President Obama, completely changed her message and—

**Mr Richardson:** I do not think she did.

**Senator RONALDSON:** she said that it was a matter for the Security Council and its determination. On 7 March—and, as I said, I am prepared to concede some timing—the foreign minister urged 'the international community to embrace a no-fly zone in Libya'. There might have been some timing issues—

**Mr Richardson:** There is no contradiction—

**Senator RONALDSON:** but, on 8 March—

**Mr Richardson:** There is no contradiction between those two statements.

**Senator RONALDSON:** Excuse me; I will just finish this. On 8 March, again, there was a call by the foreign minister for the UN Security Council to impose a no-fly zone on Libya in order to protect its citizens. This was issued out of Abu Dhabi, on behalf of the gulf cooperation council of which we were a member—so not a matter for the Security Council to make a determination but a joint statement calling on the Security Council to impose this no-fly zone. You cannot possibly tell me that they are the same message. That beggars belief.

**Mr Richardson:** I think they are entirely complementary messages and I think they are entirely consistent.

**Senator McLucas:** Senator, I wonder whether I could assist. I am advised that the Prime Minister said on 2 March to the House of Representatives:

Now we must keep the pressure up. Australia is calling for the Security Council to consider a no-fly zone over Libya. This would stop Gaddafi from launching his air force to attack protesters and the cities in which opposition forces have control. We urge the Security Council to consider this measure to protect the people of Libya.

**Senator RONALDSON:** 'Australia is calling for the establishment of a no-fly zone as part of the international response.' So they are calling for the no-fly zone. After the President Obama meeting, Parliamentary Secretary, the message had completely changed—that it was a matter for the Security Council and its determination.

**Senator McLucas:** Senator, I really want to bring your attention to the date that the Prime Minister gave that message to the House of Representatives. That was on 2 March—

**Senator RONALDSON:** Absolutely.

**Senator McLucas:** where she said that Australia is calling for the Security Council to consider a no-fly zone over Libya.

**Senator RONALDSON:** On 3 March we have Foreign Minister Rudd in relation to the matter. Then we have the live issue brief. You would have received the live issue brief. Parliamentary Secretary, the comments made by the Prime Minister and those made by the foreign minister were not that this is a matter for the consideration of the Security Council; they were calling upon the international community to implement these. This is the one on 8 March. The one on 7 March I will concede; but on 8 March, from the gulf cooperation council, issued by the foreign affairs minister, calls upon the Security Council to impose a no-fly zone over Libya in order to protect civilians—not that it is a matter for the Security Council's determination but saying what the Security Council should do. The Prime Minister, after the meeting with President Obama, had changed the message completely.

**Mr Richardson:** With due respect, that is not right. There is a consistency of message between the Prime Minister and the foreign minister right through here. If you were to read the full text of statements made by both the Prime Minister and the foreign minister through this period, there is a consistency of message.

**Senator RONALDSON:** There is no consistency of message at all because we had gone from—

**Mr Richardson:** There is total consistency.

**Senator RONALDSON:** But the Prime Minister, after the meeting with President Obama, was not calling on the Security Council to impose a no-fly zone, which Foreign Minister

Rudd was still doing on 8 March. She said that it was a matter for the US Security Council. She was pressed in relation to this, and you were probably at the press conference. No longer were the words being used, calling upon the Security Council to do this. She said that it was up to the Security Council as to what they do. So it is a quite different message, and I want to know—

**Mr Richardson:** Australia's position on that right through is clear. It was always a matter for the Security Council. Equally, as per the statement which Senator McLucas just read out which was made by the Prime Minister on 2 March, there is a consistency through that.

**Senator RONALDSON:** Were there any discussions between the Prime Minister and the foreign minister over this period of time about what Australia's position should be or any changes in it?

**Mr Richardson:** I do not know. When they travel, they do talk to one another from time to time. I certainly had discussions with the foreign minister during that trip, which the Prime Minister publicly referenced.

**CHAIR:** Thank you, Mr Richardson. Do you wish to return to this discussion?

**Senator RONALDSON:** No, thank you.

**CHAIR:** This discussion has concluded. Thank you for that, Senator Ronaldson. And thank you for your assistance.

**Mr Richardson:** Thank you.

**CHAIR:** We will now go to questions on Africa.

**Senator FERGUSON:** My questions will be fairly brief in relation to Africa. I have received some information, particularly from a former Democrat senator, Andrew Murray, who has an intense interest in Africa, and particularly Zimbabwe. One of the questions that he has asked is in relation to aid. I know that we are not covering aid now, but it is to do with policy of aid to Africa and other countries. We are wondering whether or not, in the expenditure of Australia's aid, the Australian government has any control over where the money is spent and whether or not it is feasible to spend any of Australia's aid money on countries in Africa—and I want to refer to Zimbabwe directly—in the area of making sure that the rule of law is taught and applied, because a lot of the problems that flow on in Africa are because the rule of law is being ignored, either through ignorance or because it is quite deliberate. I do not know whether you, Secretary, Mr Tweddell or someone could perhaps give us what position the government might take on applying aid money to the rule of law.

**Mr Richardson:** As a general principle, successive governments have provided some aid in respect of support for governance and the rule of law, so it would be consistent with broad policy directions for some aid moneys to go in that direction if circumstances allowed in individual countries.

**Senator FERGUSON:** Does it have to be a government policy decision to direct the aid in that direction or not?

**Mr Richardson:** The direction of government aid is always a matter for policy decision. That is normally advice from AusAID in consultation with the department to the Minister for Foreign Affairs.

**Senator FERGUSON:** So it is possible but it does have to be a government decision?

**Mr Richardson:** Any decision relating to the direction of aid must, by definition, be a result of government decision. AusAID officials do not have the authority themselves, without consultation with the minister and with the government, to determine the strategic direction of aid funds.

**Senator FERGUSON:** I want to ask a couple of questions about Zimbabwe, which, as you know, I have had an interest in for a long time. It is 11 years since I first observed elections in Zimbabwe, and then again in 2002. I was somewhat disturbed—I think it was even this morning—in listening to reports on the radio of the approaching election and the possibility that ZANU-PF in particular were gearing up for some sort of violence in relation to the election. I have enormous respect for Matthew Neuhaus, who is there now, who has a long history in Africa; I think he was born in Tanzania. Secretary, could you, Mr Tweddell or someone else give us an update on what sort of information we have been receiving about the prospect of violence in the forthcoming election.

**Mr Tweddell:** Yes, you are right in your commendation of our ambassador there, Matthew Neuhaus; he has vast experience of Africa. He and his staff, of course, are watching these matters very carefully. I was saying to one of the other senators earlier that there is not a linear projection on what is happening with the violence. We are aware of and have condemned some of what is happening, including youth violence in and around Harare, and a certain amount of shadow boxing too. There is every reason to be watchful of what might happen after the octogenarian and not particularly well Mugabe goes. When he eventually goes, that will not herald in an era of peace and light necessarily, because others will jockey for position to replace him. So it is something that we are very concerned about and we are using whatever means we can to try to impress upon the government itself to not inflame the situation and to work with other players—the South Africans, the SADC group.

You would be aware, because of the interest that I know you take, of the communique that was issued by the SADC group, which was an interesting and welcome drawing of a line in the sand by those who are best placed to have some influence on ZANU-PF. But we are hopeful that the constellation of pressures that are being brought to bear on the government will temper the worst of the excesses.

**Senator FERGUSON:** What date is the election?

**Mr Tweddell:** That has not yet been decided.

**Senator FERGUSON:** But it is towards the end of this year, isn't it?

**Mr Tweddell:** It could be, yes.

**Senator FERGUSON:** Is there any likelihood that international observers will be invited to oversee or monitor the elections?

**Mr Tweddell:** There could be. I am sorry; just to interrupt: we consider it a bit unlikely. It could be as early as this year; that is possible. But it has to be by 2013, as I think you would know. Our betting is that it will be in 2012.

**Senator FERGUSON:** But the fact is that Mugabe is now 87 and, if he waits until he is 89, it might be too late.

**Mr Tweddell:** A fair point.

**Senator FERGUSON:** The last time, election observers were not invited from the Commonwealth or from any country—I think they did have African Union and SADC observers; but that was it, as far as I can remember.

**Mr Tweddell:** What we are pushing for—and I am sure you would have been told this by others when you were involved with this—is that we are keen to see a Zimbabwe electoral commission, we are keen to see external observers and we are keen to see pledges from the main parties of non-involvement by security chiefs et cetera. That is what we are working towards and that is what we are trying to see happen, with the progress that we are seeing, and we are hopeful of seeing, towards a road map for elections.

**Senator FERGUSON:** Has Morgan Tsvangirai's influence waned completely within the MDC or not?

**Mr Tweddell:** I do not think I would put it that way, no. There are others in the two arms of MDC. But, no, I would not characterise it that way and I do not think our people on the ground would either.

**Senator FERGUSON:** They have elected another leader, haven't they, to take his place?

**Mr Tweddell:** No, not to take his place. There is Tsvangirai and the other group, the MDC-M as well.

**Senator FERGUSON:** MDC-M, I know, are still there. But I thought Tsvangirai had indicated that he would not be taking them to the next election.

**Mr Tweddell:** I am not aware of that.

**CHAIR:** Alan, come on. We have work to do.

**Senator FERGUSON:** The chair has indicated that he wants to move on. He has been to Zimbabwe recently; perhaps I should talk to him. I have not been invited back for a long time.

**CHAIR:** We return to South and West Asia and the Middle East.

**Senator TROOD:** Mr Richardson, earlier in the day I asked you about the foreign minister's speech to the Press Club. You seemed slightly amazed when I mentioned sanctions in relation to that matter but, as you will no doubt now know, the foreign minister made some observations about sanctions in relation to Syria. I gather there has now been a policy decision to extend the list of sanctions against Syria. Is that correct?

**Mr Richardson:** I am not aware of that. I have been caught up in the committee all day.

**Senator TROOD:** Perhaps I can help you.

**Mr Stuart:** The answer is yes. We have had three previous decisions on sanctions against the Syrians since the violent suppression of protests began there. Yesterday the foreign minister decided on a fourth group, which he mentioned today in the press—I believe there was a question at the end of his statement.

**Mr Richardson:** It is not in his speech.

**Senator TROOD:** The quote is:

... I signed off on a further list of sanctions against individual members of the regime ...

Can you explain what this new list of sanctions is, Mr Stuart?

**Mr Stuart:** This is the fourth group of Syrians against whom he has decided to impose sanctions using the route of autonomous sanctions.



**Senator TROOD:** Do you mean that they are our sanctions?

**Mr Stuart:** Mr Rowe might want to come up and describe to you the different routes that the government can take. Essentially, if the UN Security Council decides to impose sanctions, we have one route through—

**Senator TROOD:** But these are our sanctions?

**Mr Stuart:** Yes, these are our sanctions.

**Senator TROOD:** That is what you mean by 'autonomous'—is that right?

**Mr Stuart:** Yes; as opposed to ones where there is a UN Security Council resolution and we act to comply with that. Do you want me to run through what they are or just describe the ones yesterday?

**Senator TROOD:** I am interested in these new sanctions. Are they relating to individuals?

**Mr Stuart:** Yes.

**Senator TROOD:** So they are not sanctions on trade activity, for example; they are sanctions on the movement of individuals related to the Syrian regime—is that right?

**Mr Stuart:** Yes, that is correct.

**Senator TROOD:** Is that the extent of the new ones?

**Mr Stuart:** Whether there are further sanctions will depend on whether further individuals and entities come to our attention against whom we think we should be imposing sanctions.

**Senator TROOD:** I accept that there may well be a further policy decision and that further sanctions might be decided upon. I am just trying to understand where we are at the moment.

**Mr Stuart:** Perhaps I can just set out what has happened and that will clarify it.

**Senator TROOD:** Perhaps you should do that, Mr Stuart.

**Mr Stuart:** On 30 April, the foreign minister decided to impose autonomous financial sanctions on three individuals and one entity. The individuals were all commanders or intelligence people who are connected with the violent suppression of the protests. In that case, that followed an announcement by the United States a couple of days before about these three individuals and the entity.

On 12 May, following an EU announcement which extended it to a broader group, the foreign minister decided to impose financial sanctions and travel bans on 10 individuals. On 26 May, following a further decision by the United States which added names—and we are obviously talking to the United States government about who these people are, to get some understanding ourselves—the foreign minister decided to impose financial sanctions and travel bans on a further five individuals and six entities. Then yesterday, following a further EU decision which introduced some additional names, which again we discussed in Brussels and some European capitals, he decided to extend financial sanctions and travel bans on another eight individuals.

Essentially, what this is leaving us with is that we have a regime of sanctions against this group of individuals, almost all of whom are military or intelligence members of the regime, members of the Alawi family, the ruling family, in some cases business interests who are very

close to or known to be funding some of this activity. Our regime is the equivalent of the EU and US regimes.

**Senator TROOD:** How many individuals are now on the list?

**Mr Stuart:** How many individuals altogether?

**Senator TROOD:** Yes.

**Mr Stuart:** I believe that it is seven entities and 25 individuals at present. You are probably aware that we give advice to the foreign minister on who to sanction, but the actual implementation of the sanctions is implemented by my colleague Mr Rowe, the legal adviser; and a section of that part of the department follow through with the implementation. But the basic process is that the foreign minister writes for financial sanctions to the Treasurer, who asks the Reserve Bank to put these in place. So there is a lag between the decision made by the foreign minister and the actual coming into effect of the measures.

**Senator TROOD:** Thank you for that. Now I understand where we have got to. During the course of this speech today, the foreign minister also made an observation about the desirability of referring Mr Assad to the International Criminal Court, as I understand it. He said:

... it is high time the Security Council now consider a formal referral of President Assad to the International Criminal Court.

What is being done to further that policy, if anything?

**Mr Richardson:** Did the minister say that in his speech or at the press conference afterwards?

**Senator TROOD:** I think this was in answer to a question afterwards.

**Mr Richardson:** An answer, right.

**Senator TROOD:** This is probably why you do not have it.

**Mr Richardson:** No. I have the speech and I have been looking for the references, and I looked for them earlier in the afternoon.

**Mr Stuart:** I have an unfair advantage on the secretary here. Before I came up—and I apologise for not mentioning it to him—I was aware that something was running in the press, following his answer to one of the questions. I must say that I am not as knowledgeable about the criminal court matter as I am about the sanctions route, and I would defer to my colleagues on that.

**Senator KROGER:** This was the ABC News Online where it was reported.

**Mr Richardson:** Yes.

**Senator TROOD:** I do not think that there is any doubt that he said this. What I am interested in is whether or not this is a matter that has already been under consideration and that steps have been taken to refer President Assad to the International Criminal Court that we are initiating or whether or not this is now a policy that we have adopted on the subject.

**Mr Richardson:** I do not believe that we should comment without having seen precisely what the minister has or has not said. I have not seen a transcript of the questions and answers; therefore, I do not think we can answer questions which feed off media reports of what he did or did not say during a press conference.

**Senator TROOD:** I am confident about the source, but I am happy for you to—

**Senator Conroy:** We are happy to take it on notice, I think.

**Senator TROOD:** I am happy for you to do that. Perhaps the chair will allow me, even though it will be out of sequence, to deal with this matter tomorrow morning.

**CHAIR:** In fact, that is probably a better idea. The secretary can consult with the officials back in the department and give you informed advice tomorrow.

**Senator TROOD:** If you are content with that.

**CHAIR:** I am. You may return to this issue tomorrow morning.

**Senator TROOD:** Thank you. I think Senator Abetz had something about Syria.

**CHAIR:** Senator Abetz.

**Senator ABETZ:** I have a number of questions. If I have missed the boat, tell me so, but hopefully I have not. First of all, with Syria, I am making inquiries as to its status currently in potentially seeking a seat on the UN Human Rights Council. Are any officials able to assist us in that regard and on what Australia's attitude is to that?

**Mr Stuart:** On Syria's candidature?

**Senator ABETZ:** Yes.

**Mr Stuart:** Syria withdrew its candidature after an international campaign—

**Senator ABETZ:** Their candidacy has been withdrawn?

**Mr Stuart:** Yes; but after an international campaign in which Australia took a very active part.

**Senator ABETZ:** That reassures me and thank you for that. Moving in whatever geographic direction—Libya. Am I able to ask some questions about Libya?

**CHAIR:** Yes.

**Senator ABETZ:** Thank you, Chair. It is not directly related to Libya but to the leader of Libya and his assets or potential holdings in Australia now. I do not know whether I should be asking this here or in some other area, but Mr Rudd did tell us that the federal government is investigating reports that Mr Gaddafi's sons may have made millions of dollars in investments in Australia and that Mr Rudd was ensuring that legal processes were beginning. I asked at Attorney-General's and they advised me to come to Foreign Affairs because you were the lead agency in this regard and Mr Rudd had made the announcement. I trust this is not a hospital pass to you, Mr Richardson, but is this an appropriate area to canvass this?

**Mr Richardson:** Sure.

**Senator ABETZ:** Thank you for obliging in that. Can you confirm that, in the search for Gaddafi assets, Foreign Affairs is the lead agency?

**Mr Richardson:** I will refer that to Mr Stuart; I want the easy job.

**Mr Stuart:** I would like to have the legal adviser here, Secretary. My understanding is that the investigatory work is done by AUSTRAC.

**Mr Richardson:** AUSTRAC would be the technical agency.

**Senator ABETZ:** Yes.

**Mr Richardson:** But it is reasonable to look to us. We certainly have a big part in driving that, but a range of other agencies are involved through their technical expertise.

**Senator ABETZ:** Of course, and that is what I was assuming. I do not want to impede or prejudice any investigations, etcetera, that might be underway; but you can confirm for me that there is such an investigation underway. Divulging that to me, I assume, will not prejudice anything, given that that is what the Foreign Minister himself told the Australian people courtesy of ABC radio.

**Mr Richardson:** That is right.

**Senator ABETZ:** So you are coordinating a number of agencies which, as we have just had indicated, includes AUSTRAC; and one would imagine that other agencies would be involved. Can I ask—you may need to take this on notice—whether anything of substance, as yet, has been discovered and what is the nature of such assets? I accept that it may be very sensitive and you may need to get advice from various of those agencies, so please take that on notice.

**Mr Richardson:** Thank you; yes.

**Senator ABETZ:** Can I ask whether, without naming them at this stage, any fronts, representatives, agents or whatever of Colonel Gaddafi and his family have been identified within Australia?

**Mr Richardson:** We would need to take that on notice.

**Senator ABETZ:** There was an article in the *Sydney Morning Herald* on 9 May 2011 entitled 'Revealed Kazal family's links to Gaddafi'. The article features a picture of Saif al-Islam, who was Colonel Gaddafi's son, in company with Tarek, or Tony, Kazal. The suggestion in this article is that members of the Kazal family have facilitated investments by the Gaddafi regime in Australia. That has been out there in the public domain. If it prejudices anything in responding to this claim, I am willing to accept that. Can any credence be given to that story and that assertion?

**Mr Rowe:** I would endorse the remark made by the secretary that there are ongoing investigations by a number of agencies. Those investigations are broadly based and they are not completed yet, so I would rather not provide an incomplete report pending the completion of those investigations.

**Mr Richardson:** So we will take that question on notice also.

**Senator ABETZ:** Yes. I fully appreciate the sensitivity of that. But, by that answer, without seeking to verbal anybody, can you confirm that the government, in its investigations, is including the claims in the article published in the *Sydney Morning Herald* on 9 May, 2011?

**Mr Richardson:** We are pursuing all relevant inquiries, but I do not think it would be right to single out individuals or whatever at this stage.

**Senator ABETZ:** All right. This might be for the minister—I do not know—or the department, and please take this on notice: will the government eventually publish a list of assets that are ultimately identified?

**Senator Conroy:** We are happy to take that on notice.

**Senator ABETZ:** Thank you very much. If we are still traversing the Middle East, if I may—

**CHAIR:** You may.

**Senator ABETZ:** Thank you. You will undoubtedly need to take this on notice: Has the Minister for Foreign Affairs responded to motion 216—which immediately springs to your mind, I am sure, Mr Richardson, because motion 216 was passed at the 2010 regional conference of the Queensland branch of the Labor Party—which inter alia called for support for nonviolent resistance through the international Boycott, Divestment and Sanctions campaign against companies profiteering from the illegal occupation of Israel. I wonder whether the minister has responded to that motion; and if so, how he responded and whether a copy of that correspondence can be provided to the committee, on the basis that he responded via a departmental brief.

**Mr Richardson:** The motion itself escaped me; I was not aware of it. It sounds like an intraparty matter. I would need to take on notice whether the department had any role in any response the minister may or may not have provided.

**Senator ABETZ:** Of course, if the minister did respond on letterhead one assumes that as a result, albeit minimally, even if the response was prepared in his office by his personal staff, there would have been some departmental expenditure on an Australia Post letterhead and envelope, which brings it within the scope and, of course, it is up to Mr Rudd to determine whether or not he will release such a letter to the public in response. But take that on notice and we will see what the response is.

**Mr Richardson:** Thank you.

**Senator ABETZ:** Chair, can I thank you.

**CHAIR:** Thank you, Senator Abetz. Senator Ludlam, do you have something on Syria?

**Senator LUDLAM:** Yes. I understand that coalition senators have canvassed some of the broader issues—mine is quite specific—about a particular civil society activist, Amjad Baiazy—I have probably badly mispronounced his name—who worked for Medecins Sans Frontieres. He has been held incommunicado since his arrest at Damascus international airport on 12 May, attempting to return to the UK, where he is based. Has anybody at the table heard of this gentleman? Do you know to whom I am referring?

**Mr Stuart:** Could you spell the name of this gentleman, please?

**Senator LUDLAM:** For sure. It is A-m-j-a-d B-a-i-a-z-y. I do not know whether this gentleman has had much exposure in the Western press, so I am not expecting you to have heard of him.

**Mr Stuart:** What nationality is he?

**Senator LUDLAM:** I do not know what his citizenship is. I understand that he is based in the UK. Amnesty International has done a bit of advocacy, I understand, on his behalf. They are concerned that he may be a prisoner of conscience. So he is not immediately familiar to you, Mr Stuart?

**Mr Stuart:** No.

**Senator LUDLAM:** I will ask you to take a couple of questions on notice, if you could: whether the department would undertake to contact the Syrian government—unless this is

directly traversing areas that Senator Trood was raising; do we still have consular officials in Syria; and are we still able to make representations directly to the Syrian government?

**Senator KROGER:** If I could just provide—

**CHAIR:** Just hold on, Senator Kroger. Senator Ludlam has asked a question and the secretary is checking.

**Mr Richardson:** We only have a temporary consular officer in Syria at the moment. That person is responsible for matters relating to our consular responsibilities regarding Australians. We do not have a functioning diplomatic office in Syria.

**CHAIR:** Senator Kroger?

**Senator KROGER:** I was just going to provide some advice to Mr Stuart. He is Lebanese born to Syrian parents. That has complicated the situation, but they may well have—

**CHAIR:** Thank you, Senator Kroger.

**Senator LUDLAM:** Thank you, Senator Kroger, and thank you, Chair. I will just conclude this matter. Would the department undertake to make representations or to contact the Syrian government and their embassy in Canberra, if they still have staff based here in Canberra—

**Mr Richardson:** Yes.

**Senator LUDLAM:** to make inquiries regarding Mr Baiazy's welfare and the potential case that is being led against him?

**Mr Richardson:** We can explore that.

**Senator LUDLAM:** I would greatly appreciate that; we will come back to you on notice, I guess. Chair, I propose to move to a different part of the world.

**CHAIR:** The only part of the world that we have not been to is where we are now and the Pacific. We have not finished this yet.

**Senator LUDLAM:** Western Sahara?

**CHAIR:** I am sorry.

**Senator Conroy:** I am guessing that is a reasonable distance from the Middle East.

**CHAIR:** Senator Ludlam.

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

**Senator ABETZ:** For the Greens to stick to the globe is a big start.

**Senator LUDLAM:** I have no idea what Senator Abetz meant by that, but we will move on.

**CHAIR:** Do not engage, Senator Ludlam; ask your question.

**Senator LUDLAM:** Okay. I understand that Western Sahara is legally recognised by the United Nations as a non-decolonised territory, which I guess is a double-negative way of saying it is still colonised, partially at least. Under important information on Western Sahara on the DFAT website, for Australian companies planning to do business in Western Sahara, your advice to those companies is to 'seek legal advice'. Are you aware of the legal advice provided by Hans Correll, who is the former chief of the UN Office of Legal Affairs? He has provided very specific legal advice on that question in order that the exploitation of resources

in a non-self-governing territory is only legal if it occurs with consultation with the peoples in the territory or their representatives. So, with that preamble, I am interested to know whether you are aware of that piece of advice.

**Mr Stuart:** Your question is: are we aware of the advice of Mr Correll, former legal adviser to the UN? I am not. Possibly another part of the department is. I can find out for you.

**Senator LUDLAM:** If you could. My question really is in two parts: whether you would seek that legal advice—I can probably provide a more detailed citation, if that would be helpful—and whether DFAT would make that piece of advice available on its website rather than simply advising proponents to go out and get their own.

**Mr Richardson:** We would need to consider very carefully before we put up on our website legal advice—

**Senator LUDLAM:** Of course.

**Mr Richardson:** from others, anyone but our own. So I certainly cannot say yes to that question.

**Senator LUDLAM:** I am inviting you to consider that very carefully.

**Mr Richardson:** We can look at it, but I cannot undertake to do any more than that.

**Senator LUDLAM:** Thank you. What action will the government take, or has it taken, to ensure that Australian companies follow United Nations legal advice to protect the interests of this non-self-governing territory? You would be aware of why I am raising these issues.

**Mr Stuart:** Yes. We strongly support the efforts of the UN to find an enduring settlement on the West Sahara. We have welcomed the Security Council's recommendations. I think you would be aware that the Security Council passed a resolution on this recently.

**Senator LUDLAM:** Indeed.

**Mr Stuart:** On the issue you raised, on the importation of phosphates—

**Senator LUDLAM:** Correct.

**Mr Stuart:** the UN has not imposed restrictions on the trade, and we have recommended that companies seek legal advice before importing such material.

**Senator LUDLAM:** Obviously it is something of a legal grey area. Is that putting it too bluntly?

**Mr Stuart:** I would just repeat what I have said. Our recommendation is that companies seek legal advice before they import such material.

**Senator LUDLAM:** The reason that I am referring that particular advice to you is that that is, effectively, the United Nations' chief lawyer or legal counsel.

**Mr Stuart:** I think you are saying that Mr Correll is giving that opinion, which I have not read—

**Senator LUDLAM:** Yes.

**Mr Stuart:** as the former legal adviser.

**Senator LUDLAM:** So it is not—

**Mr Stuart:** It does not represent the UN's views; it represents Mr Correll's view.

**Senator LUDLAM:** But he is somebody with some legal standing.

**Mr Stuart:** Nonetheless, former members of political parties express views and we do not hold those as the current views of the parties. Mr Correll is a very distinguished gentleman whom a number of us knew over the years; nonetheless, he is not the currently the UN legal adviser.

**Senator LUDLAM:** Mr Richardson has undertaken to follow that up and see whether it is appropriate that that advice be referred to on DFAT's website, and perhaps it will not be. Have any companies made representations to DFAT or has DFAT provided any advice on the legality of, in this instance, phosphate exports out of Western Sahara?

**Mr Richardson:** We normally would not provide companies with legal advice. Our recommendation is that they seek legal advice.

**Senator LUDLAM:** Any other kinds of advice?

**Mr Richardson:** They could make broader advice in relation to the UN, the international situation, general direction and the like. Richard, do you want to add anything?

**Senator LUDLAM:** That question was actually extremely vague, so I will be a bit more specific. Have the companies that are involved in importing phosphate from Western Sahara into Australia sought advice of any kind from DFAT?

**Mr Rowe:** They certainly have not, to my knowledge, sought any legal advice. Any broader advice, I cannot comment on.

**Mr Richardson:** We will take that on notice simply because, rather than saying no, there are different parts of the department where a company could come in. I think it is better for us to take it on notice and give you an accurate answer. But, as Mr Rowe has said, they have not sought legal advice.

**Senator LUDLAM:** I think we are reasonably clear on that. So it would be more in the categories of other kinds of advice that companies might seek guidance from DFAT on.

**Mr Richardson:** That is right.

**Senator LUDLAM:** Just to conclude on Western Sahara: does the federal government support the inclusion of human rights monitoring in the mandate of the UN mission in Western Sahara? I think that mandate was extended on 27 April of this year.

**Senator Conroy:** We will take that on notice.

**Senator LUDLAM:** If you could. I am seeking to understand whether the Australian government has a position and whether we have done anything to action our views one way or the other.

**Senator Conroy:** We will take that on notice.

**Senator LUDLAM:** Thank you very much. Would the government consider, or has it considered, providing humanitarian assistance to the Sahrawi refugees. Is that an AusAID question or is that something I can put to the department?

**Mr Richardson:** It is legitimate to ask it. David, do you have an answer on that?

**Mr Stuart:** Certainly not recently. To know whether that happened over the last few years, I would have to go back and check; but not in the last few months, no.

**Senator LUDLAM:** Finally, has the department or the minister sought legal advice on the legality of Australian companies doing business in Western Sahara?



**Mr Richardson:** No. Our recommendation to Australian companies is that they seek legal advice.

**Senator LUDLAM:** Has the department itself sought legal advice on the legal situation of Australian companies trading in and out of that regime?

**Mr Richardson:** No, we have not.

**Senator LUDLAM:** Thank you very much, Chair. My only other questions are on Iraq.

**CHAIR:** Senator Trood.

**Senator TROOD:** I would like to move to the subcontinent; in particular Sri Lanka. This is your bailiwick too, isn't it, Mr Stuart? Yes. Have you seen the report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka?

**Mr Stuart:** I am aware of it, yes.

**Senator TROOD:** In light of the content of the report, has the Australian government formed a view as to whether there should be a war crimes probe into the activities regarding the civil war in Sri Lanka?

**Mr Stuart:** I think we are still in the process of considering the report. I do not think the government has made any public comment on that issue—

**Senator TROOD:** So you are considering the content of the report—is that right?

**Mr Stuart:** Yes.

**Senator TROOD:** With a view to deciding whether or not the observations and the conclusions in the report are accurate, in your view?

**Mr Stuart:** Yes; but also what consequences that might have, or at least what consequences it would have for Australian policy.

**Senator TROOD:** But you have not reached a view as to whether there should be a wider investigation with regard to the civil war and offences against international law. Is that right?

**Mr Stuart:** At departmental level, officials are still considering that.

**Senator TROOD:** I think last time we were here, I asked you about the 'rumour', I suppose it might have been at that time, that Admiral Samarasinghe was going to be appointed the new Sri Lankan High Commissioner to Australia. I think, Secretary, you were disinclined to discuss that matter. Has the admiral now been appointed to that position?

**Mr Richardson:** Yes. Agreement has been granted.

**Senator TROOD:** When is he expected to take up his post?

**Mr Richardson:** I am not sure of that.

**Mr Stuart:** I do not think we have advice on that point yet.

**Senator TROOD:** Are you aware of the allegations that have been made against the admiral in relation to the civil war?

**Mr Richardson:** Yes. We said at the time that we were waiting for the UN Secretary-General's advisory panel on Sri Lanka. We note that it made no reference to the admiral. The government has no information to demonstrate that he was involved in war crimes.

**Senator TROOD:** So, as far as you are concerned, any suggestion that he has been is unsubstantiated and of no particular credibility.

**Mr Richardson:** No. We are aware of suggestions to the contrary, but we were awaiting the report of the UN panel. As I have said, we note that there was no reference made to him. We have no information that would demonstrate that he was involved in war crimes.

**Senator TROOD:** Do you mean from the Secretary-General's panel or from other sources as well?

**Mr Richardson:** We have no information from other sources that would demonstrate that he was involved in war crimes.

**Senator TROOD:** Is it usual for the Australian government when a foreign government seeks to make an appointment to a head of mission that matters of background are investigated to determine whether or not we regard a proposed appointee as suitable?

**Mr Richardson:** There is normally consultation between the protocol area and the relevant geographic area, and I think there is normally consultation with the relevant Australian mission, if we do have a mission in the country which is sending an ambassador here. But I do not think it would be reasonable to describe that process as an 'investigation'. There are inquiries as to whether anything is known of the individual and the like, but I do not think that would warrant the description of an 'investigation'.

**Senator TROOD:** Can I take it that that inquiry was made on this occasion?

**Mr Stuart:** Yes.

**Senator TROOD:** The response you gave me earlier to the question of what you knew about it was included in any advice that you received from Colombo?

**Mr Stuart:** That is right.

**Senator TROOD:** In other words, Colombo did not advise you of anything which gave rise to any concerns on your part, or the Australian government's part. Is that right?

**Mr Stuart:** No advice demonstrating that he was involved in war crimes. We are aware of allegations, aware of claims by some people.

**Senator TROOD:** Regarding our relationship with India, has the Indian government raised concerns about the ban on sales of uranium to it?

**Mr Richardson:** The Indian government's general position on that is well-known. The concerns have not been specifically raised recently; however, that in no way diminishes what we know to be their concerns.

**Senator TROOD:** India has expressed concerns about this in the past and you have no reason to doubt that their opposition or their concern about this—resentment, perhaps—has declined. Is that right?

**Mr Richardson:** That is right. But India is concerned, as we have been, not to allow a single issue to dominate the direction of the relationship. So both the Australian and Indian governments have been progressing the relationship. For instance, the Indian Minister for Commerce was out here in early May and he and the Australian Minister for Trade announced the commencement of negotiations for an FTA.

**Senator TROOD:** So you are saying that it is not affecting the relationship. Is that what you are saying?

**Mr Richardson:** Both sides are keen to progress the relationship and not allow a single issue to dominate its general direction.

**Senator TROOD:** Have there been any discussions about changing this policy with the Indian government?

**Mr Richardson:** I think the government's position remains as it has been articulated in the past.

**Senator TROOD:** Which is opposition to it.

**Mr Richardson:** Which is that India is not a signatory to the NPT.

**Senator TROOD:** Is India known internationally as a risk for proliferating nuclear materials or technology?

**Mr Richardson:** India has a good record in the non-proliferation area.

**Senator TROOD:** So the Australian government shares the view of other governments that India is not a proliferation risk in relation to materials or technology. Is that a fair statement?

**Mr Richardson:** That has been India's record, up to now, yes.

**Senator TROOD:** What about its record in relation to civil nuclear power? Is the record there one that you feel comfortable with?

**Mr Richardson:** It is not for me to feel comfortable with it. They have a reasonably good record in that area. Obviously, the United States has entered into a formal agreement with India and some other countries have also.

**Senator TROOD:** So it has a good safety record in relation to civil—

**Mr Richardson:** As far as I am aware, up to now. I do not know whether David is able to comment, but I simply do not have sufficient knowledge in terms of their safety record to comment publicly on that.

**Senator TROOD:** We do not have any agreements with India to supply materials. Do any other countries have agreements with India to supply either material or technology?

**Mr Richardson:** The United States does. I think Japan might have entered into negotiations recently; Canada might.

**Mr Stuart:** France.

**Mr Richardson:** We are going to get some immediate assistance. Reinforcements have arrived.

**Senator TROOD:** Mr McKinnon, what can you tell us about this?

**Mr McKinnon:** I can tell you that a number of bilateral nuclear cooperation agreements have been concluded over the last couple of years: the United States, France, Russia, the United Kingdom, Kazakhstan, Mongolia, Namibia, Canada, and Argentina; and Japan is currently negotiating a nuclear cooperation arrangement with India as well.

**Senator TROOD:** That covers both material and technology, does it?

**Mr McKinnon:** That covers uranium supplies, materials, technology—the works.

**Senator TROOD:** Apart from Japan, are there any other contracts in negotiation, do you know?

**Mr McKinnon:** There may be but I am not aware of them. They represent a good slab of the major ones.

**Senator TROOD:** I do not have anything further here.

**CHAIR:** We are currently doing South and West Asia and the Middle East. We will finish that and we will start tomorrow on the Pacific.

**Senator KROGER:** I want to go back to the Middle East. A couple of people representing Australian Supporters of Democracy in Iran visited me last week, raising concerns about Camp Ashraf; they were representing some refugee families caught up there. Could you give me an update on the security status there and whether things have improved?

**Mr Richardson:** Is that the camp in Iraq?

**Senator KROGER:** Yes; just north of Baghdad.

**Mr Stuart:** Where several weeks ago there was a nasty—

**Senator KROGER:** Yes; about 35, I think, were killed.

**Mr Stuart:** Yes, I can. There has not been renewed violence since the 8 April incident. There have been international calls for an investigation. UNAMI, the UN body in Iraq, has publicly called for an inquiry. The UN High Commissioner for Human Rights and the EU High Representative have been very critical of the deaths. The Australian government has raised concerns about this. Would it be useful if I went through what we have done about it?

**Senator KROGER:** I would be interested. I understand that members of the military were involved in the attack on many in the camp. Is that right?

**Mr Stuart:** I am not sure—

**Mr Richardson:** It was the Iraqi security forces that entered the camp.

**Mr Stuart:** They entered the camp. The UN High Commissioner for Human Rights—I do not think it is an absolutely authoritative version of exactly what happened; I have read contesting claims—concluded that 34 people had died after being shot, or crushed by vehicles. The security forces remain in the camp. I am not sure that I can give you a more authoritative figure for the actual results, but that is what we know of it.

**Senator KROGER:** From that time—it was early April—the concern is that, with the US forces withdrawing, this situation would not be stabilised long-term. Have you any advice as to whether there is a determination to make sure that those inside that camp are safe?

**Mr Richardson:** We do not have such an assurance.

**Senator KROGER:** So you are not aware of any action that has been subsequently taken?

**Mr Richardson:** We have raised our concerns on a few occasions. We have raised them via the Iraqi ambassador here in Canberra. Our embassy in Baghdad has raised the matter with the Iraqi authorities. We have in the past also made representations about the human rights at the camp. We have registered our opposition to forceful repatriation of residents to Iran.

**Mr Stuart:** The other thing that is material is that the embassy is trying to go back into the camp, which it would have to do with the UN—with UNAMI—and we are working with them, but we have not been able to achieve that yet.

**Senator KROGER:** Have you had any representations from anyone here who has family members in the camp?

**Mr Stuart:** I would have to take that at on notice. We are certainly aware of the concerns being raised by members of parliament and we have been helping provide advice to respond to that. I believe some members of my branch were actually giving a briefing to some members of parliament today. But I can get you information if we have had individual cases; I am not aware of any.

**Mr Richardson:** I think we can add that we know of two Australian residents in the camp who have both been offered consular assistance. What that could mean in practical terms I am not sure. That is the advice, but as David has said, we will follow up and get more detail on notice.

**Senator KROGER:** What kind of assistance could we provide to them?

**Mr Richardson:** I am not sure, in practical terms. Whether it is real or theoretical, I would need to provide that advice on notice.

**Senator KROGER:** Okay. At the last estimates we covered the support you gave those who were getting out of Egypt during that uprising. Have those expats who were living there and who sought to leave the country returned?

**Mr Richardson:** Some have, some have not. I would need to take on notice how many might have returned. We will have had some people return who would not have told us.

**Senator KROGER:** Given the unrest in the region across a number of countries— notwithstanding all the encouragement we give, particularly through the estimates process— are you getting a higher number of people who are lodging that they are moving back, transiting back into the countries, or whatever? We try to encourage people to advise through this medium every time, and I was wondering whether that had improved, given the instability that one could suggest exists in the Middle East at the minute.

**Mr Philp:** That is a good question. I think in specific countries we have an improved level of registration. We have worked very hard, particularly in Yemen, in Syria, in Libya and in Egypt, the countries of particular concern to us. Certainly because in those areas we are finding a lot of people ourselves we have had a much better rate of registration. Generally across the region the rate of registration has increased but probably not sufficiently to provide us with real comfort that we are across the numbers altogether. In relation to your specific question earlier about Egypt, I think the Secretary has it absolutely right that more people are registered but there would be still a lot of people moving back and forth who simply are not telling us what is going on. If we were to get a repeat, we would still be in a situation where it is difficult for us to assess on the first day just what the scale of our problem is. So the situation has improved, but it is not yet satisfactory.

**Senator KROGER:** It would be really great if some system could be arranged whereby, when people were having to get visas and so on with their passports, there was a link there that would assist you in that regard.

**Mr Richardson:** There are certain things that we forgo in terms of being a democracy, which I am sure we all gladly forgo, and one of them is that government does not quite sit over people in the way in which some people might wish in times of disaster and whatever. We are embarking upon, over the next couple of months, our 'smartraveller' campaign. So you

will see ads on TV over the next few months which urge people to register before they travel, take out travel insurance, etcetera. We work on ways that we can encourage it further. But, at the end of the day, governments understandably have stopped short of wielding an iron rod in this area—freedom of travel and all of that.

**Senator KROGER:** I hear you. It would be good if people could take an easy option and tick a box that they are happy for their details to be recorded, registered or whatever.

**Mr Richardson:** Yes.

**Senator KROGER:** Chair, I am going to leave it there. Thank you very much.

**Senator TROOD:** Can you tell me, Mr Stuart, whether the Israeli government made any representation to the Australian government about the activities of the Marrickville Council in Sydney?

**Mr Stuart:** I did answer that question in the last estimates. The answer is yes.

**Senator TROOD:** I beg your pardon; I missed that. There have been some developments since then, I think, haven't there? Since then we have had the New South Wales election—

**Mr Stuart:** And the Marrickville Council's vote.

**Senator TROOD:** Yes. Have there been any further representations in relation to the activities of the Greens in the context of the state election of New South Wales?

**Mr Stuart:** No.

**Senator TROOD:** And have there been any representations from Israel in relation to anything subsequent to the discussion we had?

**Mr Stuart:** No.

**Senator KROGER:** I can recall the minister at the last estimates suggesting that it was not in the domain of the government to get involved with the local council.

**Senator Conroy:** I think I wholeheartedly endorsed Mr Richardson's comments at the time, actually.

**Mr Richardson:** I described the resolution by the council as 'whacko'.

**Senator KROGER:** It was terrible.

**Senator Conroy:** I have a bit of information for Senator Abetz on a question he asked earlier. The minister responded via email, with assistance from his personal staff, in the following manner:

The Australian government remains firmly committed to peace and security in the Middle East. On my recent visit to Israel and the Palestinian territories, I underlined to both sides Australia's strong support for a negotiated two-state solution where Israel and a future Palestinian state live side by side in peace and security. Australia has consistently called on both sides to negotiate as a matter of urgency on final status issues and refrain from any actions, including settlement construction, which undermine confidence. While in the Palestinian territories last December, I announced \$20 million in budget support for the Palestinian Authority to be delivered through the World Bank and an additional \$18 million over three years to United Nations Relief and Works Agency for Palestinian refugees in the near east, bringing Australia's total humanitarian and institutional building assistance to the PA and refugees to almost \$150 million since 2007. Our new five-year development partnership with the PA commencing in July 2011 will include regular budget support, scholarships focusing on those

disciplines crucial to institutional building and regular bilateral aid consultations. These announcements demonstrate Australia's tangible support for a two-state solution and a viable future Palestinian state.

**Senator ABETZ:** You have read the whole email out to us?

**Senator Conroy:** I believe so, yes. I am happy if there is more to—

**Senator ABETZ:** Just so I did not mishear, there was nothing in that answer dissociating himself or the government from the BDS campaign; is that correct—the Boycott, Divestment and Sanctions?

**Senator Conroy:** I draw your attention to the *Hansard* from last time and Mr Richardson's comment that it was 'whacko'—

**Senator ABETZ:** No; in that email—that is all—I did not miss anything?

**Senator Conroy:** I have read you all that I have been given.

**Senator ABETZ:** That is a very sad reflection that Mr Rudd was not able to condemn, to his own state branch, that offensive campaign. But I thank you, Minister.

**Senator Conroy:** I reject that. That is a debate rather than a question, Senator.

**Senator ABETZ:** No, it is not, because the motion dealt specifically with BDS and, as is Mr Rudd's wont so often, he is willing to talk about everything but the actual issue at hand. He failed to condemn the BDS resolution, which I think other people have described as 'whacko'—

**Senator Conroy:** It is a bit late at night to have this debate, Senator Abetz.

**Senator ABETZ:** If it is so 'whacko', one wonders why he could not bring himself to say so in the email.

**Senator LUDLAM:** I have one further question on a different topic. Is anyone from the Australian government attending the seminar Defeating Terrorism: The Sri Lankan Experience? I think it is occurring now—between 31 May and 2 June—in Colombo. Is anyone attending from the high commission staff, Defence staff or anybody that you are aware of?

**Mr Stuart:** I believe that the answer is no, but I will take it on notice just to check. The only reason that I have any doubt is that I need to make sure that it is the same seminar you are referring to. You are referring to a seminar in Colombo on defeating terrorism?

**Senator LUDLAM:** It is 'Defeating Terrorism: The Sri Lankan Experience', 31 May to 2 June.

**Mr Stuart:** I believe that we are not attending; however, I will check.

**Senator LUDLAM:** Just correct the record, if you need to. That is great.

**CHAIR:** That concludes our discussion on matters arising from South and West Asia and the Middle East and preceding topics. We will resume tomorrow morning at nine o'clock, on the Pacific. The committee stands adjourned until 9am tomorrow.

**Committee adjourned at 22:19**