

Senate Standing Committee on Foreign Affairs, Defence and Trade

Additional Estimates 24 February 2011

Question No. 1

Program: Portfolio Overview

Topic: Public Diplomacy

Question on Notice (Page 5)

Senator Trood

The Committee's report on public diplomacy, which was tabled in August 2007, recommendation 18, which the government accepted. The recommendation was that your department would report back to the committee within two years of the report. I do not think we have heard from you in relation to that undertaking. I wonder if you could perhaps ask your department to look into whether or not you could do so.

Answer

DFAT's response to the report ('Australia's Public Diplomacy: Building Our Image'), published in January 2009, noted the majority of the Committee's recommendations. It recognised the importance of continuing to pursue Australia's public diplomacy programs designed to serve Australia's foreign and trade policy interests.

DFAT is now working on a second submission proposed in Recommendation 18.

Work on that report is currently underway and has been progressing in tandem with the internal process of reviewing public diplomacy activities and budgets across the Department.

Elements of this review process include:

- reviewing budget arrangements to ensure the most effective allocation of PD funds;
- enhancing training for staff in Canberra and overseas; and
- improving regional coordination between posts to maximise benefits from individual projects.

DFAT is aware that the submission of the report has been delayed further than originally anticipated and aims to have the report completed before the end of the current financial year.

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Question No. 2

Program: Portfolio Overview

Topic: Mr Rudd's Staff

Question on Notice (Page 9)

Senator Hutchins

Provide a breakdown of roles and responsibilities of staff in Mr Rudd's Office?

Answer

The roles and responsibilities of staff in Mr Rudd's office are as follows:

- Chief of Staff
- Senior Media Adviser
- Senior Adviser DFAT policy
- Senior Adviser AusAID policy
- DFAT DLO
- Adviser DFAT policy
- DFAT DLO
- Adviser DFAT, AusAID, Parliamentary
- AusAID DLO
- Assistant Adviser DFAT policy
- Adviser AusAID policy
- Assistant Adviser (Media)
- Executive Assistant
- Administrative Officer

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Question No. 3

Program: Portfolio Overview

Topic: Conduct and Ethics Investigations

Question on Notice (Page 12 & 13)

Senator Fielding

- A. What are the types of fraud and misconduct investigations? Is it cash and what are the other types?
- B. What categories of investigations have been conducted over the past four years on a year to year basis?
- C. Can the report about the performance of the Conduct and Ethics Unit (CEU) be tabled?

Answer

- A. Misconduct allegations include acts of fraud and offering bribes (including cash); conflicts of interest; criminal and other unlawful behaviour; harassment , bullying and discrimination; utilising Commonwealth resources in an improper manner; providing false or misleading information; improperly using inside information or improperly using an employee's duties, status, power or authority to gain a benefit or advantage for the employee or for any person; failing to uphold the APS Values and the good reputation of the APS and/or Australia.
- B. During the past four years the CEU has investigated allegations involving all of the categories/types outlined in the Answer to A.
- C. Internal working documents of this nature are not tabled.

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Question No. 4

Program: Portfolio Overview

Topic: Cash management

Question on Notice (Page 13)

Senator Fielding

Outline what specific controls are in place when cash is handled?

Answer

The specific controls for properly handling cash are set out in the Department's Financial Management Manual.

At each location, a Finance Manager appointed by the Secretary is accountable and responsible for ensuring the office is managed in accordance with the financial policies and procedures set out in the Financial Management Manual. Financial Managers must sign-off each month to Canberra that all critical policies and procedural requirements have been met.

In terms of policies and procedures associated with the collection of public money, Cashiers are required to issue receipts for all money collected; ensure such money is banked promptly and correctly recorded on the Department's financial management information system; and checked by an independent third party.

Any unbanked money must be kept in a secure receptacle only accessible by the Cashier. Independent checks of unbanked money held by the Cashier must also be undertaken at random intervals of at least once per month to ensure holdings match receipts issued since the last banking.

A similar control framework applies to the other cash-related activities.

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Question No. 5

Program: Portfolio Overview

Topic: Mr Rudd's Travel expenses (Departmental)

Question on Notice (Page 22)

Senator Ronaldson

What were the departmental expenses in relation to (a) Mr Rudd's trip to Washington DC and New York announced on 17 September last year, (b) Mr Rudd's trip to Japan, Belgium and Italy announced on 12 October last year, (c) Mr Rudd's trip to China and the Republic of Korea announced on 29 October last year, (d) Mr Rudd's trip to the United Arab Emirates, Kazakhstan and Bahrain announced on 29 November last year, (e) Mr Rudd's trip to Indonesia, the Middle East and South Africa announced on 7 December last year and (f) Mr Rudd's trip to Africa and Europe announced on 24 January this year?

Answer

For the costs of departmental staff who accompanied Mr Rudd on these visits, please see the response to Question No. 45.

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Question No. 6

Program: Portfolio Overview

Topic: Mr Rudd – Briefings or Meetings

Question on Notice (Page 26)

Senator Ronaldson

- A. (i) How many briefings has the minister instigated and requested from the department since he commenced? (ii) How would this compare with his predecessors?
- B. How many briefings or meetings has the minister instigated with the department only to cancel them at the last minute?

Answer

The attached data (Attachment A) reflects departmental submissions and meeting briefs to Mr Rudd and his two predecessors. It is not possible to determine whether these were initiated by the department or prepared at Ministers' request, therefore we cannot give a figure for the number 'instigated' by Mr Rudd. We only hold data for submissions and briefs submitted to ministers. We have no means to capture data on briefing requests that are subsequently cancelled.

- A. The data in the attached table (Attachment A) depicts a full year of statistics for Mr Downer, 2006 and Mr Smith, 2008 and 2009.

Mr Rudd's statistics reflect the first 5.5 months of his role as Foreign Minister. Therefore a 'like for like' comparison has been provided with Mr Smith's statistics (part year) which reflect the period of his first 5.5 months in the role as Foreign Minister.

- B. There are no records held regarding this data to enable a response.

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Attachment A

| | Mr Downer 2006 (Full year) | Mr Smith 28 Nov 2007 to 12 May 2008 (5.5 Month period) | Mr Smith 2008 (Full year) | Mr Smith 2009 (Full year) | Mr Rudd 14 Sept 2010 to 24 Feb 2011 (5.5 Month period) |
|---------------------------------|----------------------------------|---|---------------------------------|---------------------------------|---|
| Ministerial Submission – Action | 1 638 | 751 | 1 922 | 1 979 | 536 |
| Information | 798 | 414 | 793 | 577 | 191 |
| TOTAL | 2 436 | 1 165 | 2 715 | 2 556 | 727 |
| Meeting Briefs - Action | 190 | 80 | 221 | 187 | 36 |
| Information | 154 | 114 | 336 | 292 | 82 |
| TOTAL | 344 | 194 | 557 | 479 | 118 |

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Question No. 7

Program: Portfolio Overview

Topic: Hawker Britton

Question on Notice (Page 26)

Senator Ronaldson

Does the department have any contracts with Hawker Britton?

Answer

No.

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Question No. 8

Program: Portfolio Overview

Topic: Conferences

Question on Notice (Page 26)

Senator Ronaldson

- A. Can you advise me of the total expenditure on conferences both in-house—that is, held within the department or associated agencies—and externally held by the department or agencies within the portfolio on a month by month basis since March 1996? (i) where was the venue (ii) what was the reason for each conference (iii) how many participants registered (iv) were the consultancy fees paid for the organisation of each conference and to who were the consultancy fees paid (v) what was the cost of each consultancy
- B. For conferences part sponsored or part funded by the department and portfolio agencies and costing the Commonwealth in excess of \$30,000: what was the cost to the department or agency?
- C. What was the proportion of Commonwealth funding as against the total cost of the conference?
- D. What was the rationale for the sponsorship or part funding? Where was the venue?
- E. How many participants registered?
- F. Did the Commonwealth contribute to any consultant organising the conference and, if so, who was the consultant?
- G. How much was the Commonwealth's consultation?

Answer

A-G. Costs associated with conferences are not separately captured on DFAT and portfolio agency financial systems. Records of conference events are maintained on individual files across DFAT and portfolio agencies' Australian and overseas network and these costs are not captured in our financial systems according to the level of detail requested. To provide expenditure details going back to March 1996, as well as details of date, location and purpose of each event, would entail a significant diversion of resources, which I do not consider could be justified.

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Question No. 9

Program: Portfolio Overview

Topic: Consular Services review

Question on Notice (Page 26 – 29)

Senator Trood

In answer to a question from the October estimates—this was question No. 35 that I asked—you advised me that an independent review of the department's consular services and information had been undertaken.

- A. Why was the independent review of the department's consular services resubmitted to the minister?
- B. What I would like to do is have a copy of the report, please. Is there any reason why you cannot provide the committee with a copy of the report?

Answer

- A. In 2009, the department conducted an internal review of the delivery of consular services, with a particular focus on managing increasing expectations of consular services. This internal review was provided to the then Minister for Foreign Affairs, Mr Smith, in January 2010. Mr Smith requested that an independent review be conducted and this was submitted to Mr Smith on 1 July 2010. The review has been discussed with Mr Rudd and his office, as have broader issues relating to the delivery of consular services, as part of our strategic approach to consular services. Significant consular events since then, and Australia's response to them, have further contributed to our on-going review and assessment of consular services.
- B. The report on the review of consular services is an internal working paper and it is the practice of successive governments not to provide such documents to the Committee.

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Question No. 10

Program: 1.1

Topic: Natural disaster assistance

Question on Notice (Page 48)

Senator Kroger

What is the nature of the assistance offered by the US and UK governments for the Queensland floods and cyclone Yasi?

Answer

The **UK Government** has offered to provide experts in flood recovery and management and in advance flood forecasting methods. The Queensland Government has accepted this offer and is working with the relevant UK authorities on how best to utilise this specialist expertise.

The **US Government** has provided satellite imagery support and has offered other forms of assistance, the details of which are being worked through in discussion between the Queensland Government and the US Embassy.

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Question No. 11

Program: Portfolio Overview

Topic: China: Prisoner – Sun, Jian

Question on Notice (Page 51 & 52)

Senator Trood

Has Jian Sun asked the Australian government to make any representations on that theme, as to whether or not there can be a commutation of his life sentence?

Answer

No.

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Question No. 12

Program: 1.1

Topic: Regional Processing Centre

Question on Notice (Page 58 to 60)

Senator Abetz

- A. In this ad hoc committee dealing with a regional framework, when was the idea of an East Timor processing centre first raised by Australia?
- B. Can you assure us that Mr Rudd raised that with every country that he met that you listed?

Answer

- A. At the present time, the proposal for a regional assessment centre in East Timor is a bilateral issue between Australia and East Timor. It would be inappropriate to take the proposal to the wider Bali Process forum in advance of securing a bilateral agreement with East Timor.
- B. Mr Rudd has taken all appropriate opportunities to advance the government's policy approach.

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Question No. 13

Program: 1.1

Topic: Australia-China Human Rights Dialogue

Question on Notice (Page 63 & 64)

Senator Ludlam

- A. What kind of issues did the Chinese delegates raise with Australia during the latest human rights dialogue?
- B. Would you be able to table, as I think you did last time, the list of individuals whose case you raised in the dialogue?

Answer

- A. The Chinese delegation raised the following issues with Australia:
- . changes to shared-parenting laws (2006 amendment to the Commonwealth Family Law Act 1975)
 - . male-female wage gap
 - . attacks on international students
 - . visas for international students
 - . rights of Indigenous Australians.
- B. Consistent with past practice, we do not make public the entire contents of the list of cases of concern. Some of the cases on the list are sensitive and publicity may harm individuals listed.

The list provided at Supplementary Budget Estimates in October 2010 comprised cases raised by our embassy in Beijing with China's Ministry of Foreign Affairs during regular human rights representations. This is a separate process to the dialogue.

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Question No. 14

Program: 1.1

Topic: Mr Justin Hale

Question on Notice (Page 69)

Senator Trood

Has the Indonesia government made any particular observations about Mr Hale's unsuitability for a visa?

Answer

The Indonesian Government has advised Mr Hale on the requirements for a long term visa in Indonesia. It would not be appropriate to disclose remarks made in the course of diplomatic exchanges on this issue.

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Question No. 15

Program: 1.1

Topic: Australian Embassy Belgrade - Website

Question on Notice (Page 71)

Senator Trood

The Australian embassy website in Belgrade apparently has a warning on it that says, 'Internet sites designed to look like official Australian government websites ...' In other words; someone would seem to be rebadging themselves like the Australian government, at least in Belgrade. Is this a common problem?

Has there been a need to do anything in relation to his particular example?

Answer

On 24 November 2010, the Australian embassy in Belgrade posted the following warning on its website:

Internet sites designed to look like official Australian Government websites

The Australian Embassy in Belgrade has received an increase in calls regarding companies promoting their websites and assisting in getting visas to Australia.

Some websites offering visa services have been designed to look like official Australian Government websites. These websites may not be scams, however may require clients to pay a service fee over and above normal visa application charges.

Websites like these do not represent the department [the Department of Immigration and Citizenship] or the Australian Government and do not have any influence on the application or visa decision process.

The department is unable to provide any comment or support regarding the services advertised by these providers, and may not be able to update you on an application that has been submitted by one of these providers.

The official Australian Immigration website is www.immi.gov.au.

The warning was posted in response to numerous queries received by the embassy about one particular website. In so doing, the embassy took advice from the Department of Immigration and Citizenship (DIAC), which is the agency responsible for visa issue. DIAC has advised it devised the warning as a 'proactive consumer awareness tool'.

The website in question was using DIAC's tagline of 'People Our Business'. It was also badging itself as a 'general skilled migration program provider' and an 'application service provider', which could be construed as having an association with, or being endorsed by, DIAC. The website subsequently removed these references at DIAC's request. DIAC had no jurisdiction or power to force their removal.

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DIAC has further advised that, as there are many genuine agencies in Australia and around the world that can assist clients with the steps involved in the Australian visa application process, it has been very careful to make the information it provides generic so that legitimate providers do not come under suspicion.

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Question No. 16

Program: 1.1

Topic: Mr Said Musa

Question on Notice (Page 76 & 77)

Senator Kroger

What is the status of the prisoner Mr Said Musa?

Answer

The Australian Embassy in Kabul has advised that Mr Musa is no longer in prison and no longer faces any penalty.

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Question No. 17

Program: 1.1

Topic: Whaling and Fisheries Issues

Question on Notice (Page 78 to 79)

Senator MacDonald

If Australia can take Japan to the ICJ for breaching the global moratorium on whaling, why isn't Australia taking legal action against countries associated with illegal fishing of Patagonian toothfish in the Southern Ocean?

Answer

Australia is firmly committed to conserving the marine living resources of the Southern Ocean. There are a range of measures at our disposal to pursue our conservation goals. These include bilateral and multilateral diplomatic engagement, surveillance, capacity building initiatives and legal action. The latter is reserved as a last resort.

In the case of Japan's so-called 'scientific whaling', the Government has always said that it would pursue legal action if diplomatic avenues failed to resolve the dispute. Legal action was taken after intensive and sustained diplomatic engagement with Japan, through the International Whaling Commission, bilaterally and with like-minded countries. The Government proceeded with legal action because it considered that all other avenues for resolution had been exhausted.

In the case of Patagonian toothfish, a range of diplomatic and operational measures have proven to be effective in reducing illegal, unregulated and unreported (IUU) fishing. IUU fishing in the high seas area regulated by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) has reduced from an estimated 11 857 tonnes of toothfish in 2001-2 to 1 615 tonnes in 2009-10. In Australia's exclusive economic zone (EEZ) around the Heard and McDonald Islands, IUU fishing has dropped from 3 489 tonnes to 0 tonnes over the same period. No IUU vessels have been sighted in Australia's EEZ by Australian patrols, or French patrols pursuant to the extant bilateral treaty¹ since 2005.

Diplomatic and operational efforts have contributed to this outcome. Through the Commission for the Conservation of Antarctic Marine Living Resources, Australia plays a leading role in the development of effective conservation measures. Australia consistently raises the profile of IUU fishing in other multilateral forums, such as the UN General Assembly and Indian Ocean Tuna Commission. Australia also makes direct bilateral representations to flag states, states of nationality and port states of vessels engaged in IUU fishing, urging countries to act in accordance with their international obligations. These representations have led to a number of prosecutions and deregistrations of IUU vessels.

Diplomatic efforts have been complemented by operational efforts such as surveillance patrols by Customs and Border Protection vessels (including

¹ Australia conducts joint patrols with French authorities in the Southern Ocean under a Treaty between Australia and France on Cooperation in the Maritime Areas adjacent to the French Southern and Antarctic territories, Heard Island and the McDonald Islands; and an Agreement on Cooperative Enforcement of Fisheries Laws between Australia and France in the Maritime Areas adjacent to the French Southern and Antarctic territories, Heard Island and the McDonald Islands.

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cooperative patrols with France); a Regional Plan of Action improving cooperation between regional port states; and capacity building initiatives with regional countries on boarding and inspection procedures.

Australia will continue to rely on these diplomatic and operational measures as long as they remain effective to pursue our conservation goals, and persuade countries to act in accordance with their international obligations. At this stage, we consider this to be a more effective means of pursuing Australia's conservation goals with respect to IUU fishing for Patagonian toothfish than taking countries to court.

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Question No. 18

Program: 1.1

Topic: Plain Packaging of Tobacco Products

Question on Notice (Page 79 & 80)

Senator Kroger

- A. Request for copy of departmental advice to the Government on how the plain packaging decision relates to WTO provisions.
- B. Do you have a date of when you provided that advice?
- C. (i) Who did you provide the advice to? (ii) What agencies and who were the ministers you provided the advice to?

Answer

- A. The Government does not release its legal advice.
- B. Advice was provided on 22 April 2010 and on 16 December 2010.
- C. (i) The advice was provided to the Department of Health and Ageing. (ii) The Department of Foreign Affairs and Trade did not provide the advice to any ministers.

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Question No. 19

Program: 1.1

Topic: Anti-dumping

Question on Notice (Page 84 & 85)

Senator Xenophon

- A. What is the extent to which those factors (the concerns of manufacturers and unions) are put by government to the department to be raised at WTO meetings.
- B. Have you raised with the WTO how the current onus of proof requirement means that local manufacturers are at an immediate disadvantage because they face a very costly process to prove dumping before an investigation can take place, rather than the onus being on the alleged dumper to prove that they are not dumping? Is that a matter that would be within the province to be raised at these meetings?
- C. Could you provide details of the nature of that consultation on the WTO negotiating agenda and the input that you get from groups and whether that also includes unions, for instance, as well as manufacturers? That is, details of the nature and extent of that consultation and how regularly it takes place.

Answer

- A. The government conducted a comprehensive consultation process during the Uruguay round of negotiations that led to the creation of the WTO, and continues this consultation as part of the present Doha Development Agenda ("Doha Round") negotiations. Australia's negotiating position takes account of the views of all stakeholders that provide views.

Australia's participation in the WTO Doha Round negotiations on anti-dumping has taken into account Australia's current legislation and practice as well as the impact of other WTO Members' anti-dumping regimes on Australian exporters. The department has sought views on the anti-dumping negotiations including from Australian industry as well as through other government agencies. This has included consultation on WTO Members' proposals on clarification and improvement to the current WTO Anti-Dumping Agreement.

Public submissions to the Productivity Commission Review into Australia's Anti-Dumping and Countervailing Duty System have also been considered in the context of Australia's position in the Doha Round negotiations on anti-dumping and countervailing duties. The submissions to the Productivity Commission reflected a wide range of views on different aspects of Australia's current anti-dumping system which are being dealt with in the WTO negotiations. Local manufacturers, industry bodies and unions made submissions.

- B. The November 2001 declaration of the Fourth Ministerial Conference in Doha, Qatar, establishes the mandate for the current WTO negotiations in respect of anti-dumping and countervailing duties. Paragraph 28 of the mandate states that the negotiations are aimed at: "...clarifying and improving disciplines under the [Anti-dumping Agreement and the Subsidies and Countervailing Measures

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Agreement], while preserving the basic concepts, principles and effectiveness of these Agreements and their instruments and objectives...”.

Improvements and clarifications to the evidentiary requirements, transparency and due process are issues currently being negotiated in the Doha Rules negotiations. Australia is seeking to ensure that there is balance maintained such that these improvements are not overly burdensome either to Australian exporters or Australian industry in bringing an application. We are also looking to ensure that any improvements or clarifications also not make the anti-dumping procedures overly burdensome to the investigating authorities as that ultimately may impact on Australian industry applicants seeking a remedy to injurious dumping.

Australia has not made a specific proposal regarding the onus of proof, either as part of the Doha round negotiations or during the meetings of the Committee on Anti-Dumping Practices (which meets not less than twice a year, is composed of representatives of each WTO Member and is designed to provide Members with the opportunity of consulting on any matters relating to the operation of the Anti-Dumping Agreement or the furtherance of its objectives). Australia has contributed fully in exchanges of views on Members' practices.

WTO rules do not condemn dumping but rather condemn injurious dumping. WTO rules provide that any such actions are triggered by the affected domestic industry. This is on the basis of an application from domestic industry containing sufficient evidence of injury caused by dumping to justify the initiation of an investigation. The alleged dumper is also required to provide detailed information which is subsequently verified, including through on-the-spot verification visits to the exporters to Australia of the product under investigation. All necessary information and claims provided by both the domestic industry as well as alleged dumpers will be considered in determining the facts.

- C. The Government is fully committed to ensuring stakeholders are kept informed and consulted throughout the Doha Round negotiations

Extensive information on Australia's involvement with the WTO, including all aspects of the Doha Round negotiations, is readily available on the Department's website (see, for example, <http://www.dfat.gov.au/trade/negotiations/index.html>). E-mail contact points are identified for public comment on the Doha Round negotiations and other WTO issues.

The Department puts out a regular Bulletin summarising key Doha related activities and developments which are also published on the DFAT website (see http://www.dfat.gov.au/trade/negotiations/wto_bulletin/index.html). Nine Bulletins were published in 2010. The Bulletin is also mailed to around more than 150 Government and non-Government subscribers.

The Peak Organisations Trade Negotiations Update Meeting provides an opportunity for DFAT to report on the Doha Round. Peak industry and union groups are invited. The last meeting was held in July 2010.

There are also ad-hoc consultations across most areas of the Doha Round negotiations, including those in respect of anti-dumping and countervailing

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duties. To date, unions have not requested such consultations in respect of the negotiations on anti-dumping and countervailing duties.

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Question No. 20

Program: 1.1

Topic: Anti-dumping

Question on Notice (Page 86)

Senator Colbeck

Is it possible for you to provide us on notice guidance to where we might find some of that information (i.e. WTO reports on the use and initiation of anti-dumping and CVD measures)?

Answer

The WTO rules require WTO Members to regularly notify the membership of action taken in respect of anti-dumping and countervailing measures.

WTO Members are required to submit a report of all anti-dumping actions they have taken, as well as a list of all anti-dumping measures in force, twice a year. These notifications are available at http://www.wto.org/english/tratop_e/adp_e/adp_e.htm, by selecting the relevant Member in the "Notifications" section of the box titled "Search Documents Online".

WTO Members are required to submit a report of all countervailing actions they have taken, as well as a list of all countervailing measures in force, twice a year. Notifications of a Member's countervailing measures are available at http://www.wto.org/english/tratop_e/scm_e/scm_e.htm, by selecting the relevant Member in the "Notifications" section of the box titled "Search Documents Online".

The WTO Secretariat issues a press release on a six-monthly basis summarizing trends in anti-dumping and countervailing duty activity on the basis of WTO Members' six-monthly reports on all anti-dumping and countervailing duty actions. These can be found on the WTO website at http://www.wto.org/english/news_e/news_e.htm. The most recent such press release is available at http://www.wto.org/english/news_e/pres10_e/pr623_e.htm

The WTO Secretariat also provides summaries on the data provided by Members in their notifications. These can be obtained under the heading "Statistics on anti-dumping" at http://www.wto.org/english/tratop_e/adp_e/adp_e.htm and "Statistics on subsidies and countervailing measures" at http://www.wto.org/english/tratop_e/scm_e/scm_e.htm

In addition, the WTO conducts regular reviews of each of its Members' trade policy. These usually include a discussion of trade remedy actions by that Member. Trade Policy Reviews for each Member are available at http://www.wto.org/english/tratop_e/tpr_e/tpr_e.htm, by selecting the relevant Member in the "Reports by the Secretariat" section of the first box titled "Search Documents Online".

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Question No. 21

Program: 1.1

Topic: Trade Liberalisation

Question on Notice (Page 88)

Senator Xenophon

When trade agreements are being entered into, to what extent does government consider the potential impact on jobs and the issues of structural adjustment? In other words, is there a systemic approach to look at these things?

Answer

The Government takes a systematic approach to assessing the likely impacts of trade agreement negotiation outcomes. Impacts on different sectors and the economy overall are considered in this process and examination of employment effects are included.

Decisions to embark upon trade agreement negotiations are “whole-of-government” decisions made by Cabinet. Input to this process is typically provided by a wide range of actors including the general community, NGOs, business and unions. State governments and a range of federal departments also provide detailed input. Decisions can also be informed by a feasibility study on the merits of negotiating a specific trade agreement. A Regulation Impact Statement (RIS) which outlines how the trade agreement could affect business regulation or competition, and examines impacts on specific sectors, is also prepared. The RIS is eventually tabled in Parliament as an attachment to the National Interest Analysis which sets out the reasons why Australia should become a party to the treaty concerned. Parliament considers these assessments following the signing of the trade agreement but before binding action is taken by Australia that would bring the Treaty into force.

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Question No. 22

Program: 1.1

Topic: Trade in goods – Produced through Child labour

Question on Notice (Page 91)

Senator Xenophon

Have there been any cases such as this, to your knowledge, in any other jurisdictions - i.e. of countries taking action against goods produced through child labour?

Answer

We are not aware of any country that has banned the import of goods as a result of concerns about the use of child labour in their production.

The United States has on a limited number of occasions, and on a narrow range of products, suspended the extension of developing country preferential tariffs due to these concerns. In these cases it was still permissible to import these goods at the Most Favoured Nation (MFN) tariff rate.

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Question No. 23

Program: 1.1

Topic: EFIC

Question on Notice (Pages 93, 94, 95 & 96)

Senator Ludlam

- A. Does EFIC look for a particular return on the dollar invested annually? Is there a specific target return on investment that they are looking for?
- B. Has EFIC ever funded a major renewable energy project or renewable energy investment anywhere in the world?
- C. What has EFIC done to verify that the EFIC PNG LNG project is not creating violence?
- D. Can you table what Control Risks Asia Pacific's recommendations were together with advice as to whether these recommendations have been implemented to date?
- E. Do we carry any kind of long-term responsibility if we have enabled a project (PNG LNG) when things go seriously wrong as they have at this one?
- F. (i) Was the EFIC review which was completed in 2006 made public?
(ii) Who will conduct the review?
(iii) Will the review be made public?

Answer

- A. EFIC does not have a specific target return on capital. EFIC is, however, required to be a self sustaining organisation and the EFIC Board is responsible to the Minister for the prudent management of EFIC's capital. For every transaction that EFIC considers, it calculates the return on capital and seeks appropriate benchmarks to establish that the cost of the credit EFIC provides is current and consistent with private market participants or at a minimum, for officially supported credits, compliant with the minimum OECD premium benchmark rates.
- B. EFIC has received enquiries concerning support for major renewable projects, however, these were ultimately funded by the private sector with no need for EFIC involvement.

EFIC has supported a relatively small renewable energy project by providing finance to the Australian exporter BP Solar which has supplied solar-powered drip irrigation systems in Sri Lanka.

It should be noted that under its mandate EFIC cannot bias its support towards or against any specific sectors.
- C. Responsibility for the enforcement of laws arising from violence rests with relevant authorities in Papua New Guinea. Safety and security on site are the responsibility of the PNG LNG Project.

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In project finance support (ie long term financing of large projects based on projected cash flows), as is the case for the PNG LNG project, it is customary for employment of an independent environmental and social consultant to monitor and report to the lenders on a borrower's compliance with relevant environment and social benchmarks as described in EFIC's policy on a regular basis up to loan maturity.

Consistent with this, EFIC and other lenders to the PNG LNG project required the borrower to engage an independent environmental and social consultant (IESC). While the IESC, D'Appolonia S.p.A (D'Appolonia) is paid by the borrower, it is solely responsible to the Lenders including EFIC. D'Appolonia reports to the Lenders up to four times a year during construction and thereafter annually for the life of the loan agreements. D'Appolonia's reports cover a range of issues, including community security. They are publicly available on the website of the borrower - (http://www.pnglng.com/quarterly_reports).

- D. The Project Operator, Esso Highlands Limited (a subsidiary of Exxon Mobil Corporation), engaged Control Risks Asia Pacific to assess and make recommendations on the security needs of the Project. EFIC does not have access to the recommendations.
- E. EFIC's monitoring of a project's compliance with environmental and social commitments is based on the financing agreements, so that once a facility has been repaid, the obligations of the borrower to EFIC cease.

The loans provided for the Porgera Goldmine facility were repaid in 1997.

- F. (i) No.
- (ii) A recommendation of the 2006 review of EFIC was that the next review should be considered in around 4 years and it should be undertaken by an independent consultant. In line with that recommendation, consideration is being given to commencing an independent review this year. Details of such a review would be announced once arrangements are finalised. It is anticipated that the outcomes of such a review would be made public.

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Question No. 24

Program: 1.1

Topic: EFIC

Question on Notice (Page 97)

Senator Colbeck

- A. When was the meeting between EFIC, Gunns and the Department of Agriculture held?
- B. Were there any other participants at the meeting and were there any discussions with potential joint venture partners as part of that process?

Answer

- A. The meeting between EFIC, Gunns and DAFF was held on 11 January 2011.
- B. The meeting involved:
- Chris Newman, Chairman, Gunns Limited;
 - Angus Armour, Managing Director, EFIC;
 - Ian Knop, Chairman, Profile Management Consultants;
 - Brent Knevet, Associate Director, Profile Management Consultants;
 - Dr Conall O'Connell, Secretary, DAFF; and
 - Tom Aldred, Executive Manager – Forestry, DAFF.

The focus of the discussion was Gunns' strategy outlined in its 2010 Annual Report to shareholders to achieve a social licence for the proposed Bell Bay pulp mill and secure a joint venture partner. No individual company was identified as a prospective joint partner.

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Question No. 25

Program: Portfolio Overview

Topic: Australian Embassy in Kabul

Question in Writing

Senator Trood

- A. Why has the Australian Government not published the location of the Australian Embassy in Kabul?
- B. Is the Government aware that every other embassy/mission in Kabul has published their details and addresses?
- C. Is the Government aware that the personal details for the 2iC in charge of the Embassy in Kabul, are publicly available on the web?
- D. Does the Department consider this may constitute a security risk to the officer concerned?

Answer

- A. Security works are continuing at the new embassy site in Kabul. Once the embassy in Kabul is fully commissioned and all security is in place, details of its location will be published in accordance with normal practice.
- B. Yes.
- C. Yes.
- D. No.

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Question No. 26

Program: Portfolio Overview

Topic: Security Services for the Australian Embassy in Kabul

Question in Writing

Senator Trood

- A. I understand that a new contractor has been awarded the contract for the provision of security services for the Australian Embassy in Kabul (Unity Resources Group). Why have the costs increased almost six hundred percent from the previous contract?
- B. I refer to Addendum 27.01.2009 - *Communications to and from Governments by the UN Working Group on the use of mercenaries as a means of violating human rights.*

“10. The Working Group thanked the Australian Government for its letter dated 4 December 2007 and indicated that it would welcome detailed information from the Australian Government on the following questions: (1) What is the nationality of the employees of Unity Recourses Group involved in the incident of 9 October 2007? (2) has there been any investigation from the part of the Australian Government regarding the death of the 72-year-old Australian national, in March 2006?”

Did the Government respond to the questions?

- C. What assurances did it provide?

Answer

- A. The contract for the provision of security services for the Australian Embassy in Kabul was awarded to Hart Security Australia on 6 October 2010 (as published in AusTender) and not Unity Resources Group. In the previous contract, the monthly cost for security was US\$831,000 per month. The current cost for an expanded government presence is US\$1,271,000 per month, a 53 per cent increase in costs, not a 600 per cent increase.
- B. Yes.
- C. In its original response to the UN dated 4 December 2007, the Government provided the assurance that *“Australian law enforcement agencies would consider any evidence that Australian nationals or Australian companies were in breach of Australian law.”*

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Question No. 27

Program: Portfolio Overview

Topic: Legal Services Expenditure

Question in Writing

Senator Trood

Can the Department explain why the legal services expenditure for the department has increased from \$6 082 601 in 2008-09 to \$9,810,222 in 2009-10?

Answer

The Department's total reported legal services expenditure is the sum total of the Department's internal legal services and the Department's external legal services. The increase in the total reported internal legal services expenditure is largely attributable to a change in the methodology used for calculating the figure.

From 2008-09 to 2009-10, the total reported internal legal services expenditure increased by \$3,200,095 (from \$3,352,305 to \$6,552,400). By contrast, the total reported external legal services expenditure increased by \$527,526 (from \$2,730,296 to \$3,257,822).

On 25 June 2010, the Office of Legal Services Coordination (OLSC) in the Attorney-General's Department published its Guidance Note No. 8. With a view to promoting greater consistency in methodologies across the Commonwealth, Guidance Note No. 8 provided Commonwealth agencies with further guidance regarding the reporting of internal legal services expenditure.

Following the issuance of Guidance Note No. 8 and consultation with OLSC, the Department changed the methodology it used for calculating the total internal legal services expenditure. Whereas the figure reported for 2008-09 was calculated based on an estimate of the total number of hours spent by legal officers in the Department in providing legal advice, the 2009-10 figure was calculated as the addition of all the costs of each dedicated legal unit within the Department.

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Question No. 28

Program: Portfolio Overview

Topic: Security Clearances

Question in Writing

Senator Trood

- A. Who performs the security clearances for DFAT?
- B. Does DFAT use the Australian Government Security Vetting Agency (AGSSVA)?
- C. Is this done externally, by other agencies and or/private company/ies?
- D. If so, which agencies or private organisations participate in this vetting?

Answer

- A. DFAT clearances are processed using a combination of in-house and outsourced vetting personnel.
- B. No, DFAT is exempt from the AGSSVA.
- C. DFAT clearances are processed by in-house vetting personnel and, as required, by two private vetting agencies.
- D. DFAT has contracts with Barrington Corporate Risk Pty Ltd and Staff Check Pty Ltd.

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Question No. 29

Program: Portfolio Overview

Topic: Language Proficiency and Training

Question in Writing

Senator Trood

- A. How many Australia-based DFAT personnel are professionally proficient (S3R3) in a foreign language?
- B. What is the estimated departmental expenditure on language training in 2010-11?
- C. How many DFAT staff are proficient in Asian languages?
- D. How many and what proportion of staff posted overseas are proficient in the native language of the country of their posting?

Answer

- A. As at 28 February 2011, there are 535 departmental employees (both in Canberra and overseas) with a working level proficiency in a foreign language.
- B. Just over \$4.7 million.
- C. There are 266 DFAT staff with a working-level proficiency in Asian languages.
- D. There are currently 142 employees who are proficient in the native language of the country of their posting. The department has language designated positions in 49 posts and the total number of Australian-based positions at these posts is 311. Not all of these positions require the occupant to be proficient in the native language of the country of their posting.

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Question No. 30

Program: Portfolio Overview

Topic: Appointment of Ambassadors

Question in Writing

Senator Trood

- A. How many current Ambassadors or High Commissioners have had to have their appointments extended?
- B. Please list each Head of mission and advise the length of their extension.
- C. Please explain the reasons for these extensions.

Answer

A. 18

B. & C

| HOM | POST | LENGTH | REASON |
|---------------|---------------|---------|-------------|
| B. Williams | Accra | 12 mths | Operational |
| B. Tyson | Baghdad | 12 mths | Operational |
| G. Raby | Beijing | 17 mths | Operational |
| A. Brooking | Budapest | 13 mths | Operational |
| J. Richardson | Buenos Aires | 2 mths | Operational |
| K. Klugman | Colombo | 12 mths | Operational |
| G. Miles | Kuwait | 12 mths | Operational |
| R. Smith | Manila | 9 mths | Operational |
| K. Cooper | Mexico City | 12 mths | Operational |
| M. Twomey | Moscow | 18 mths | Operational |
| A. Butler | Noumea | 12 mths | Operational |
| D.A. Ritchie | Paris | 9 mths | Operational |
| C. Langman | Paris OECD | 6 mths | Operational |
| P. Kentwell | Port of Spain | 16 mths | Operational |
| K. Magee | Riyadh | 4 mths | Operational |

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|-----------|-----------|--------------|-------------|
| L. Morton | The Hague | 3 mths | Operational |
| M. McLean | Tokyo | 3 yrs 7 mths | Operational |
| R. Pearce | Warsaw | 5 mths | Operational |

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Question No. 31

Program: 1.1

Topic: Cambodia: Mr James Ricketson

Question in Writing

Senator Birmingham

- A. On 9th. Dec. 2010, filmmaker James Ricketson, producing a television documentary, LOSING GROUND, that touches in part on the efficacy of Australian aid, sent a letter to Mr Rudd in which he asked:

“Is there any Overseas Development Assistance program or initiative anywhere in the world that I would be able to document and include in LOSING GROUND as an example of how Australian aid money is spent?”

Why has the Department of Foreign Affairs neither responded to this request nor acknowledged receipt of the letter in which it was made?

- B. Mr Ricketson has several times requested that Mr Rudd or some representative of DFAT speak on camera for his documentary about Australian aid to Cambodia and elsewhere in the world. His requests have been refused. Why?
- C. In an email to Mr Rudd’s office, dated 14th December, Mr Ricketson asked “In the event that AusAID and DFAT continue to refuse to allow filming to occur, could you please send me a list of all the Overseas Development Assistance projects worldwide that I am not allowed to film?”

Mr Ricketson did not receive either a response to this request or acknowledgement of its receipt. As a result he wrote to Prime Minister Julia Gillard on 14th Jan 2011, copied to Mr Rudd, which includes the following:

“Could I please be provided with a list of all the ODA projects, schemes, initiatives being funded, through AusAID and DFAT by the Australian tax-payer? If the audience is not allowed to see its tax-dollars at work it should at least, surely, be able to view a list of the programs that AusAID and DFAT are funding—either in part or in full!”

The Prime Minister’s office did not acknowledge receipt of Mr Ricketson’s letter. Will Mr Ricketson be provided with a list of Overseas Development Assistance projects—along with the budgets attached to them?

- D. Why has Mr Ricketson not been allowed to interview and film officials and AusAID program workers?
- E. In what circumstances are film makers or journalists allowed to interview and film such officials or workers?
- F. Have other filmmakers or journalists been allowed to visit, document or film AusAID programs? Please detail the circumstances of any approvals granted.

Answer

- A. Mr Ricketson’s letter to the Foreign Minister on 9 December was referred to AusAID not the Department of Foreign Affairs and Trade (DFAT). Mr James Ricketson has made over 25 enquiries to AusAID, DFAT and Australian

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embassy staff in Phnom Penh since April 2009. The questions raised in Mr Ricketson's letter of 9 December 2010 had also been raised in other letters and correspondence, and have been responded to. The following substantive responses have been provided to Mr Ricketson:

16 June 2009: Chargé d'Affaires, Australian Embassy, Phnom Penh, responded to Mr Ricketson's initial emailed questions regarding Australia's approach to the Group 78 situation;

22 June 2009: Chargé d'Affaires, Australian Embassy, Phnom Penh, on behalf of the Ambassador, declined Mr Ricketson's request for a filmed interview and referred further questions to DFAT's media liaison section;

30 June 2009: Acting Director Media Liaison, DFAT, provided Mr Ricketson with substantive responses to questions he provided by email. The email noted that DFAT had sought AusAID input in answering the questions;

3 July 2009: Acting Director Media Liaison, DFAT, emailed Mr Ricketson a link to the joint donor statement to Cambodian Government on land issues (which Australia signed);

15 July 2009: Second Secretary, Australian Embassy, Phnom Penh, sent Mr Ricketson an email offering an off-the-record briefing by Ambassador Adamson on Australia's approach to land issues including Group 78, which he declined;

31 July 2009: Second Secretary, Australian Embassy, Phnom Penh, sent Mr Ricketson an email noting the Embassy's previous advice on this matter and confirming the Embassy had no further information to provide;

26 May 2010: Counsellor AusAID, Australian Embassy, Phnom Penh, provided Mr Ricketson, by letter, a detailed outline of Australia's development assistance program in Cambodia;

29 October 2010: Director, Thailand, Philippines and Cambodia Section, DFAT provided Mr Ricketson by letter, a list of all responses provided by DFAT and AusAID to his enquiries. DFAT informed Mr Ricketson that it did not intend to correspond further on these matters.

3 December 2010: Communications section, AusAID replied to a media enquiry by Mr Ricketson, outlining Australian aid projects in Cambodia including approaches to safeguards and informing him that AusAID had declined his request to provide a spokesperson for interview and for AusAID to facilitate filming in AusAID funded projects in Cambodia.

- B. It is not standard practice for officials from the Department of Foreign Affairs and Trade to appear in documentaries.
- C. On 26 May 2010 Mr Ricketson was provided by letter a detailed outline of Australia's development assistance program in Cambodia, from AusAID Counsellor Phnom Penh. In addition, information about all AusAID projects and budgets are available publicly through a variety of sources, including the Australian government's Official Development Assistance budget statement, AusAID's annual reports and statistical summaries. These publications and

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more information of activities by country and sector are available on the AusAID website www.usaid.gov.au.

- D. Mr Ricketson's request to interview and film officials and program workers was not approved because of the breadth of his request and the impact it would have on staff time and embassy resources.
- E. Requests for officials from the Department of Foreign Affairs and Trade to appear in documentaries are considered on a case by case basis taking into consideration the availability of staff and the impact of the request on DFAT resources.

Considerations and issues taken into account include timing, security and impact on resources and costs. In the case of Afghanistan many media visits are hosted by the Australian Defence Force. AusAID would seek approval from ADF for journalists to visit AusAID projects in Afghanistan.

- F. In this financial year to date nine Australian journalists have visited AusAID supported projects in five countries for the purpose of producing stories on the aid program.

List of media visits to AusAID projects – FY 2010-11

| Journalist/outlet | Country | Visit details | Dates |
|---|--------------------|--|----------------|
| Chris Campey Channel 10 News | Pakistan | Chris travelled with Alpha Team of joint AusAID/ADF Australian Medical Task Force to Camp Cockatoo in Kot Addu. He filmed the AMTF at work treating Pakistani patients. Interviewed the AusAID Team Leader - Thanh Le. | August 2010 |
| Campbell Cooney ABC | Solomon Islands | AusAID facilitated a visit to Rove Health Clinic in Honiara. | August 2010 |
| Adam Gartrell Australian Associated Press | Indonesia | Adam visited Padang, West Sumatra for the commemoration of the one-year anniversary of the earthquake that happened in the province. He visited a school AusAID helped rebuild and was at the launch of the Build | September 2010 |

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| | | Back Better campaign. | |
| Peter Alford The Australian | Indonesia | Peter also took part on the same media visit to Padang, West Sumatra. | September 2010 |
| Annabel Hepworth The Australian | Mozambique | Annabel requested permission to write a feature on AusAID activities in Africa/ Mozambique. A fieldtrip was organised for her to see the State Veterinary Laboratories outside Maputo where Australian Newcastle Disease vaccines are produced for rural poultry farmers as part of a 4 country African food security program. A phone interview was also organised with AusAID Counsellor, Mr Percy Stanley. | September 2010 |
| Liam Fox ABC | Papua New Guinea | Trip to Daru for coverage of the AusAID response to the cholera outbreak. | November 2010 |
| Ilya Gridneff Australian Associated Press | Papua New Guinea | Trip to Daru for coverage of the AusAID response to the cholera outbreak. | November 2010 |
| Tom Allard Sydney Morning Herald | Indonesia | Tom visited an AusAID funded school in Lombok, West Nusa Tenggara. | February 2011 |
| Peter Alford The Australian | Indonesia | Peter visited an AusAID funded school in West Java. | February 2011 |

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Question No. 32

Program: 1.1

Topic: Whaling & Wikileaks

Question in Writing

Senator Brown

An article published in Fairfax newspapers on 8 January 2011 "Diplomats quick to put Japan in the clear over sinking" quotes Paula Watt, director of the department's marine environment section, as telling the US embassy she was confident the Japanese would "come away clean" from the Australian Maritime Safety Authority investigation into the collision between the Ady Gil and the Shonan Maru 2.

- A. Are the quoted comments from Ms Watt accurate?
- B. What information did Ms Watt have to lead to this conclusion before the AMSA investigation had concluded?
- C. Was Ms Watt or other department officials briefed by AMSA before the final report was released?
- D. Was Ms Watt or other department officials involved in any way in the AMSA investigation?

Regarding the documents released to Senator Brown in January 2011 under a Freedom of Information Act internal review, including cables from the Australian embassy in Tokyo in February 2010:

- E. Why at no stage in the conversations between the Australian embassy and Japanese government representatives about Sea Shepherd's activities in the Southern Ocean did the Australian embassy call attention to the illegality of Japan's actions in the Southern Ocean?
- F. Why did the Australian embassy not point out to the Japanese government representatives that Sea Shepherd had not been convicted of any illegal activities in relation to their protests against Japan's illegal whaling?
- G. Is it true that before the Sea Shepherd vessels left Australia in 2010 to monitor illegal whaling in the Southern Ocean, the Australian Maritime Safety Authority and Department of Foreign Affairs notified the crews and told them not to expect any consular services or assistance?
- H. Does the department and AMSA give all ships this advice?
- I. If not, which vessels were given this advice in 2010?

Answer

- A. The Government does not comment on the content or accuracy of leaked cables.
- B. As above.
- C. Yes.
- D. DFAT assisted AMSA's fact-finding inquiry by providing advice on jurisdictional issues, by forwarding to the Japanese Embassy questions from AMSA about

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the incident, and by encouraging the Japanese Embassy to provide as full a response as possible.

- E. All of the Australian Government's communications with Japan on issues relating to whaling and protest activity in the Southern Ocean are conducted in the context of Australia's well-known opposition to Japan's so-called 'scientific' whaling. It is not necessary to record this in every meeting report.
- F. The existence or otherwise of any prior convictions against Sea Shepherd activists was not a relevant consideration.
- G. No. AMSA sent a message providing advice on a number of safety issues to the Masters of Sea Shepherd vessels on 9 December 2010. As part of this advice, Sea Shepherd vessels were advised that "given the remote location of your intended operations, the Australian Government's capability to provide consular assistance to Australians on board your vessel, should they require it for any reason, will be extremely limited".
- H. No, the advice relating to the Australian Government's capability to provide consular assistance is not provided to all ships. We are not aware of any other vessels conducting similar activities in the Southern Ocean. If we were aware of other vessels doing likewise, the message to those vessels would be the same.
- I. MV Bob Barker, MV Steve Irwin, MV Gojira.

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Question No. 33

Program: 1.1

Topic: Western Sahara

Question in Writing

Senator Brown

- A. Has the department raised human rights abuses in Western Sahara with the Moroccan Government?
- B. Does the department support extending the mandate of the UN mission in Western Sahara (MINURSO) to include human rights monitoring?
- C. Does the department have any information about Morocco mining illegally in Western Sahara?
- D. Is the department aware of any Australian companies importing phosphate from Western Sahara through Morocco?

Answer

- A. The Department has raised concerns about the human rights situation in Western Sahara with Morocco, Algeria and the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (the Polisario).
- B. The mandate of MINURSO is established by the United Nations Security Council (UNSC). The United Nations Secretary General's report on 6 April 2010 urged both parties 'to remain engaged in continuous and constructive dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring respect for the human rights of the people of Western Sahara in the Territory and in the refugee camps.' The Department fully supports the efforts of the UN to promote human rights and to find an enduring settlement in relation to Western Sahara.
- C. The Department is aware that phosphates extracted from Western Sahara are exported through Morocco. The United Nations has not imposed any restrictions on the importation of phosphate from Western Sahara and we are not aware of any country which has autonomous sanctions against the trade. Given the status of Western Sahara as a non-self-governing territory according to the UN, the Department draws companies' attention to the possible international law considerations involved in importing natural resources sourced from Western Sahara and recommends companies seek independent legal advice before importing such material.
- D. We are aware that some Australian companies import phosphate via the port of Laayoune. The port of Laayoune is designated under the United Nations Code for Trade and Transport Locations as a Moroccan port. Goods recorded as being shipped from Laayoune are recorded as imports from Morocco.

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Question No. 34

Program: 1.1

Topic: Sri Lanka: Palitha Kohona

Question in Writing

Senator Brown

- A. Has DFAT investigated war crime allegations against Australian citizen Palitha Kohona?
- B. Has DFAT contacted the Sri Lankan government or the UN to investigate the allegations?
- C. Would Mr Kohona be eligible for diplomatic and other support if he appeared before an international war crimes trial?
- D. Are there measures to revoke citizenship when someone is convicted of a war crime?

Answer

- A. No. DFAT does not investigate allegations of war crimes. Any decision regarding the investigation of war crimes under the *Criminal Code Act 1995* (Cth) is a matter for the Australian Federal Police.
- B. Australia has repeatedly called on the Sri Lankan Government to investigate all allegations of war crimes, as well as violations of international human rights law. The UN Secretary-General has convened an Advisory Panel on Sri Lanka. DFAT is awaiting any reports that might be handed down by the Advisory Panel.
- C. Yes, on the basis that Dr Kohona holds dual Australian and Sri Lankan citizenship. DFAT's role is to provide all Australian citizens and permanent residents with consular support in circumstances where they face trial overseas and request such support. This assistance includes ensuring that all Australians detained or imprisoned overseas have access to legal defence and a fair trial under the relevant foreign law.
- D. The Department of Immigration and Citizenship advises that revocation may be considered by the Minister for Immigration and Citizenship in limited circumstances, including cases where a person has committed a serious criminal offence prior to being approved for Australian citizenship and is convicted of the offence after becoming an Australian citizen. This provision applies to serious criminal offences committed in Australia and overseas. There is no provision to revoke a person's citizenship for offences committed after becoming an Australian citizen. Dr Kohona has been a citizen of Australia since 15 March 1983. The acts Dr Kohona is alleged to have been involved with occurred in May 2009.

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Question No. 35

Program: 1.1

Topic: Trade – Rock Lobsters

Question in Writing

Senator Colbeck

A. Can the Department provide trade figures (quantity and value) for Australian lobsters sent to China for the following months/years:

November–2008, 2009, 2010

December–2008, 2009, 2010

January–2009, 2010, 2011

February–2009, 2010, 2011

March–2009, 2010, 2011.

B. If possible, can the trade figures for these same periods be cross-referenced with the Chinese port by which the lobsters entered?

C. To what factors does the Department attribute the drop off in trade of lobster exports to China during November-December 2010?

Answer

A. The export data provided below is for Australian exports of rock lobster to China and Hong Kong and includes the following tariff lines:

03062112: Whole rock lobster, live, fresh or chilled.

03062119: Rock lobster tails, fresh or chilled.

03062120: Rock lobster (excluding frozen).

Australia's Rock Lobster Exports to China and Hong Kong: November-2008, 2009, 2010

| | November 2008 | November 2009 | November 2010 |
|----------|---------------|---------------|---------------|
| Kilogram | 331,980 | 271,324 | 261,289 |
| A\$000 | 25,369 | 15,358 | 16,340 |

Source: DFAT STARS Database, based on ABS Cat No 5368.0, January 2011 data.

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Australia's Rock Lobster Exports to China and Hong Kong: December-2008, 2009, 2010

| | December 2008 | December 2009 | December 2010 |
|----------|---------------|---------------|---------------|
| Kilogram | 938,517 | 988,424 | 734,499 |
| A\$000 | 45,872 | 43,631 | 35,584 |

Source: DFAT STARS Database, based on ABS Cat No 5368.0, January 2011 data.

Australia's Rock Lobster Exports to China and Hong Kong: January-2009, 2010, 2011

| | January 2009 | January 2010 | January 2011 |
|----------|--------------|--------------|--------------|
| Kilogram | 1,051,169 | 856,070 | 1,019,868 |
| A\$000 | 65,194 | 48,656 | 57,836 |

Source: DFAT STARS Database, based on ABS Cat No 5368.0, January 2011 data.

Australia's Rock Lobster Exports to China and Hong Kong: February-2009, 2010, 2011

| | February 2009 | February 2010 | February 2011 |
|----------|---------------|---------------|-----------------------------------|
| Kilogram | 661,124 | 842,023 | Data scheduled for release 10 May |
| A\$000 | 36,721 | 55,091 | |

Source: DFAT STARS Database, based on ABS Cat No 5368.0, January 2011 data.

Australia's Rock Lobster Exports to China and Hong Kong: March-2009, 2010, 2011

| | March 2009 | March 2010 | March 2011 |
|----------|------------|------------|-----------------------------------|
| Kilogram | 776,913 | 698,020 | Data scheduled for release 10 May |
| A\$000 | 40,210 | 39,168 | |

Source: DFAT STARS Database, based on ABS Cat No 5368.0, January 2011 data.

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- B. *Note: 'Other ports' are defined as ports where the final known port of discharge is located outside mainland China and Hong Kong, but the final country of destination is listed as China or Hong Kong.*

Australia's Rock Lobster Exports to China and Hong Kong: November-2008, 2009, 2010

| Discharge Port | | November 2008 | November 2009 | November 2010 |
|----------------|----------|---------------|---------------|---------------|
| All ports - HK | Kilogram | 323,250 | 270,424 | 149,724 |
| | A\$000 | 24,876 | 15,298 | 10,080 |
| Beijing | Kilogram | 0 | 0 | 7,004 |
| | A\$000 | 0 | 0 | 334 |
| Shanghai | Kilogram | 0 | 0 | 99,019 |
| | A\$000 | 0 | 0 | 5,597 |
| Shenzhen | Kilogram | 0 | 0 | 600 |
| | A\$000 | 0 | 0 | 39 |
| Other ports | Kilogram | 8,730 | 900 | 4,942 |
| | A\$000 | 493 | 60 | 290 |

Source: DFAT STARS Database, based on ABS Cat No 5368.0, January 2011 data.

Australia's Rock Lobster Exports to China and Hong Kong: December-2008, 2009, 2010

| Discharge Port | | December 2008 | December 2009 | December 2010 |
|-----------------------|----------|---------------|---------------|---------------|
| All ports – Hong Kong | Kilogram | 875,127 | 966,716 | 622,002 |
| | A\$000 | 43,588 | 42,908 | 30,080 |
| Beijing | Kilogram | 0 | 0 | 19,944 |
| | A\$000 | 0 | 0 | 943 |
| Shanghai | Kilogram | 0 | 105 | 44,722 |
| | A\$000 | 0 | 4 | 2,441 |
| Xiamen | Kilogram | 0 | 0 | 32,355 |
| | A\$000 | 0 | 0 | 1,277 |
| Huangpu | Kilogram | 0 | 0 | 3,120 |
| | A\$000 | 0 | 0 | 166 |
| Shenzhen | Kilogram | 0 | 0 | 375 |
| | A\$000 | 0 | 0 | 14 |

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| | | | | |
|-------------|----------|--------|--------|--------|
| Other ports | Kilogram | 63,390 | 21,603 | 11,981 |
| | A\$000 | 2,284 | 719 | 663 |

Source: DFAT STARS Database, based on ABS Cat No 5368.0, January 2011 data.

Australia's Rock Lobster Exports to China and Hong Kong: January-2009, 2010, 2011

| Discharge Port | | January 2009 | January 2010 | January 2011 |
|-----------------------|----------|--------------|--------------|--------------|
| All ports – Hong Kong | Kilogram | 981,728 | 846,995 | 910,813 |
| | A\$000 | 62,372 | 48,281 | 51,528 |
| Beijing | Kilogram | 336 | 0 | 8,650 |
| | A\$000 | 16 | 0 | 516 |
| Shanghai | Kilogram | 0 | 0 | 70,262 |
| | A\$000 | 0 | 0 | 4,006 |
| Xiamen | Kilogram | 0 | 0 | 7,560 |
| | A\$000 | 0 | 0 | 385 |
| Huangpu | Kilogram | 0 | 0 | 21,044 |
| | A\$000 | 0 | 0 | 1,321 |
| Shenzhen | Kilogram | 0 | 0 | 0 |
| | A\$000 | 0 | 0 | 0 |
| Other ports | Kilogram | 68,565 | 9,075 | 43,118 |
| | A\$000 | 2,806 | 375 | 2,209 |

Source: DFAT STARS Database, based on ABS Cat No 5368.0, January 2011 data.

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Australia's Rock Lobster Exports to China and Hong Kong: February-2009, 2010, 2011

| Discharge Port | | February 2009 | February 2010 | February 2011 |
|-----------------------|----------|---------------|---------------|------------------------------------|
| All ports – Hong Kong | Kilogram | 660,174 | 841,388 | Data scheduled for release 5 April |
| | A\$000 | 36,641 | 55,050 | |
| Other ports | Kilogram | 950 | 635 | |
| | A\$000 | 80 | 41 | |

Source: DFAT STARS Database, based on ABS Cat No 5368.0, January 2011 data.

Australia's Rock Lobster Exports to China and Hong Kong: March-2009, 2010, 2011

| Discharge Port | | March 2009 | March 2010 | March 2011 |
|-----------------------|----------|------------|------------|-----------------------------------|
| All ports – Hong Kong | Kilogram | 775,388 | 697,120 | Data scheduled for release 10 May |
| | A\$000 | 40,135 | 39,103 | |
| Beijing | Kilogram | 775 | 0 | |
| | A\$000 | 53 | 0 | |
| Other ports | Kilogram | 750 | 900 | |
| | A\$000 | 22 | 65 | |

Source: DFAT STARS Database, based on ABS Cat No 5368.0, January 2011 data.

- C. Trade statistics show that exports of Australian rock lobster to Hong Kong and China fell significantly in November and December 2010, by 21 per cent compared to the same period a year earlier (995,788 kilograms in Nov/Dec 2010 compared to 1,259,748 kilograms in Nov/Dec 2009).

This decline in exports appears to reflect the closure of the 'grey trade' in lobsters through Hong Kong to China in November 2010. Hong Kong importers have been allegedly avoiding duties when on-shipping product to China. The tariff into Hong Kong for live lobsters is 0 per cent and into China is 15 per cent. The Government encourages Australian industry to utilise legitimate trade channels.

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Question No. 36

Program: 1.1

Topic: Australia Network

Question in Writing

Senator Kroger

- A. In November 2010, Foreign Minister Rudd announced a new ten year contract for an Australia Network. Has this contract been awarded?
- B. Who submitted tender documents?
- C. How was the tender assessed and by what criteria?

Answer

- A. The tender inviting bids from interested companies to operate the Australia Network service opened on 4 February 2011 and closed on 25 March 2011. As such, the contract has not yet been awarded. The Tender Evaluation Board will consider the submissions received in response to the tender, and make its recommendations. The successful tenderer will be announced following the completion of contract negotiations with DFAT.
- B. As the tender process is currently underway, it would be inappropriate to comment on the details of possible tenderers.
- C. A Tender Evaluation Board (TEB), chaired by an independent appointee, with senior representatives from relevant departments (PM&C, Treasury, Finance & Deregulation, and Broadband, Communications & the Digital Economy) will examine all tenders and put its recommendations to Government. The TEB is well qualified to assess submissions and will draw upon expert technical advice. The request for tender documentation, including the evaluation criteria, can be viewed on DFAT's website at <http://www.dfat.gov.au/tenders/DFAT11-CPD-02/index.html>

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Question No. 37

Program: 1.1

Topic: Plain Packaging of Tobacco Products

Question in Writing

Senator Birmingham

- A. In light of the government's pursuit to introduce plain packaging of tobacco products documents released under Freedom of Information from IP Australia appear to show that negotiators on the World Trade Organisation's international intellectual property agreement, TRIPS, believe it was negotiated to stop policies like plain packaging.

Can you advise if the government has sought legal advice on the matter internally or externally, and what the conclusion of the advice was?

- B. In light of this policy has the government sought the opinion of the World Trade Organisation or the World Intellectual Property Organisation on the legality of plain packaging?
- C. Considering Australia, Canada, New Zealand, the United Kingdom and only weeks before the government announced it would introduce plain packaging, Lithuania, have all previously rejected plain packaging on international intellectual property grounds, can you advise on what legal grounds Australia has managed to find the legal advice of these countries has been wrong?

Answer

- A. The Department has provided legal advice to the Department of Health and Ageing. The Government does not publicly release details of the content of its legal advice.
- B. No, it is not the role of either the World Trade Organization or of the World Intellectual Property Organization to provide legal advice to member governments.
- C. The Department is not aware of why a previous Australian government may have decided not to introduce a requirement for plain packaging of tobacco products. Nor is the Department aware of the particular legal or other considerations that Canada, New Zealand, the United Kingdom or Lithuania may have taken into account in decision-making on the issue of plain packaging of tobacco products.

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Question No. 38

Program: 1.1

Topic: Visit by Indonesian Foreign Minister

Question in Writing

Senator Trood

- A. Who participated in discussions with the Foreign Minister?
- B. What issues were raised and discussed?
- C. Did the Indonesian Government indicate when it will pass its people smuggling laws? What explanation was offered for the delay in implementing these laws?
- D. Was the issue of the regional processing centre discussed?
- E. Does the Indonesian Government support Australia's proposal to establish a regional processing centre in Timor-Leste?

Answer

Dr Natalegawa's visit, scheduled for 12 February in Brisbane, did not take place.

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Question No. 39

Program: 1.1

Topic: Act of Settlement

Question on Notice (Page 72)

Senator Trood

- A. British plans to amend the Act of Settlement were first raised with Australia by the Brown government in early 2009 — what position did the government take on the UK proposals?
- B. Has the Cameron government discussed with Australia its plans to amend the Act of Settlement?
- C. Is the government's intention to support these plans?

Answer

- A. The UK Government did not formally present a proposed amendment to the Act of Settlement to Australia in 2009.
- B. No.
- C. The Australian Government would consider its position on any proposals for change to current succession laws, should any proposal for change be presented by the UK Government. To date, no such proposal has been presented. Should any proposal be received, Australia would expect to consult with the states and territories and with Commonwealth partners that share our head of state.

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Question No. 40

Program: 1.3

Topic: Public Diplomacy

Question in Writing

Senator Trood

- A. What are the key components of DFAT's public diplomacy program since the end of the Shanghai World Expo?
- B. What resources are being directed towards public diplomacy, excluding the Australia Network?
- C. Has Australia conducted any recent opinion polls on foreign publics' attitudes to Australia? In which countries? What have been the costs?
- D. What steps has DFAT taken to employ digital outreach techniques to engage publics overseas?

Answer

A. & B. Promoting positive and contemporary images of Australia is one of DFAT's international policy goals, and remains a priority for DFAT's public diplomacy program.

With the conclusion of the Shanghai World Expo, key components of the public diplomacy program, and the resources involved, include the following:

- . Approximately 43 per cent of Public Diplomacy Branch's budget for FY2010-11 was dedicated to cultural programs (\$1.9 million of \$4.9 million). Cultural diplomacy involves a broad range of activities, including sports and science-focused programs.
- . The remainder of the budget is spent on other public diplomacy programs such as international media visits, international cultural visits, the web unit and publications.
- . Nine bilateral foundations, councils and institutes (FCIs) that make a strong contribution to the department's public diplomacy efforts by extending people to people links and promoting accurate and contemporary images of Australia.
- . Details of proposed public diplomacy expenditure for this financial year (including FCIs) is attached.

In addition to financial resources, DFAT devotes considerable human resources to public diplomacy. These include the following:

- . Public Diplomacy Branch, which is designated as the primary area of DFAT responsible for public diplomacy programs, has a staffing establishment of 20 officers.

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- . Staffing levels in other areas in DFAT with a focus on public diplomacy include the Media Liaison Section with a staffing establishment of eight officers; the Australia Awards Secretariat with one DFAT staff member (an EL2); the Speechwriting Section with two staff; and foundations, councils and institutes with a total of 17.1 staff.
- . Public diplomacy and public information activities are undertaken in other areas of DFAT, including Executive Branch (with the Direct Aid Program); Trade Competitiveness and Advocacy Branch; the Australian Passport Office; State and Territory Offices; Consular Branch (with the Smartraveller campaign); and geographic divisions through delivery of Special Visits Programs (SVPs).
- . There are considerable staffing resources overseas dedicated to public diplomacy:
 - Jakarta, Washington, Tokyo, New Delhi and Beijing all have fulltime Australia-based public diplomacy officers (two staff in the case of Jakarta);
 - many Australia-based officers posted overseas have public diplomacy as part of their overall set of responsibilities; and
 - many of Australia's overseas posts also have local staff working on public diplomacy/cultural affairs/media full or part-time.
- C. DFAT has not conducted recent opinion polls on foreign publics' attitudes towards Australia. It has instead used polling and survey information provided by other agencies. For example, DFAT obtains the results of polling conducted by Anholt-GRK Roper National Brand Index on Australia's international reputation (funded by Austrade). Anholt-GRK Roper National Brand Index measures the brand image of 50 countries. DFAT has also drawn extensively on brand positioning reports conducted by TNS Global for the "Brand Australia" research commissioned by Austrade (conducted in 14 markets). Other research that DFAT draws on or refers to includes:
 - . FutureBrand Country Brand Index (14 countries);
 - . Reputation Institute (40 countries);
 - . Tourism Australia research;
 - . research conducted by Ipsos-Eureka Social Research Institute on India; and
 - . Lowy Institute Polls.
- D. DFAT employs various digital outreach techniques to inform the public overseas on foreign and trade policy objectives and for consular and public diplomacy purposes. The departmental, ministerial and parliamentary secretaries' websites are central to this engagement, with their content regularly updated. DFAT hosts more than 100 websites, including the main DFAT website (which averages around 430,000 unique visitors per month), ministerial and

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parliamentary secretaries' websites, the Smartraveller website and overseas posts' websites. The full list of websites supported by DFAT is as follows:

| Website | Address |
|---|--|
| DFAT | www.dfat.gov.au |
| Foreign Minister | www.foreignminister.gov.au |
| Trade Minister | www.trademinister.gov.au |
| Parliamentary Secretary for Trade | ministers.dfat.gov.au/elliott/ |
| Parliamentary Secretary for Pacific Island Affairs | ministers.dfat.gov.au/marles/ |
| Post websites (approx. 90, some bilingual) | Various www.embassy.gov.au |
| State/Territory Offices (7) | www.dfat.gov.au/sydney/ etc |
| International Commission on Nuclear Non-Proliferation and Disarmament | www.icnnd.org |
| Cairns Group | www.cairnsgroup.org |
| Australia Awards | www.australiaawards.gov.au |
| Smartraveller | www.smartraveller.gov.au |
| Passports | www.passports.gov.au |

Recent new web features include a regularly updated feature story section on the homepage, with photographs and announcements, embedded video clips highlighting aspects of Australia's foreign and trade policies and longer videos on dedicated YouTube channels. Four YouTube channels have been established since December 2010:

1) DFAT - <http://www.youtube.com/DFAT>

Established 21 December 2010

Total number of views: 3873 (as at 9 March 2011)

2) Foreign Minister - <http://www.youtube.com/ForeignAffairsAU>

Established 19 December 2010

Total number of views: 3135 (as at 9 March 2011)

3) Trade Minister - <http://www.youtube.com/TradeAU>

Established 24 February 2011

Total number of views: 99 (as at 9 March 2011)

4) Parliamentary Secretary for Pacific Island Affairs

<http://www.youtube.com/PacificAffairsAU>

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Established 10 February 2011

Total number of views: 51 (as at 9 March 2011)

Around 35 post websites have or are developing content in the language of the host country, with posts routinely using electronic mailing lists and online news bulletins to convey specific information about events and emerging issues to local audiences. In addition, DFAT maintains strong affiliations with overseas branches of Australian bilateral business chambers, alumni and expatriate groups and leverages off their digital communications to advocate Australian interests to targeted networks overseas.

The Department established a unique web portal, *Australians Helping Japan* (www.australiahelps.gov.au/japan), on 7 April 2011 to inform the public about Australia's assistance to Japan following the earthquake and tsunami and to provide links to accredited non-governmental and community-based relief and reconstruction efforts. It also provides a forum for Australians to share their personal stories on assisting Japan. The site will provide a template for future online portals to inform and engage the broader Australian public in the wake of natural disasters and crises overseas.

DFAT established a generic Twitter account on 7 April 2011 to complement the Department's other communication channels, in order to reach a wider and increasingly mobile audience, including people with limited internet access, and travellers who may rely on Twitter for information. Twitter is an additional way of sharing information with the public about Australia's foreign and trade policies, latest travel advisories, media releases, recruitment and the release of new publications. In times of consular crises, tweets will provide updates on fast changing situations. Tweets will refer followers to the Department's websites which remain the authoritative source of information. Twitter and Facebook have previously been trialled for specific consular events (FIFA World Cup, Mary MacKillop canonisation, and the 2010 Commonwealth Games).

The Department is considering other ways to enhance and expand its use of social media, particularly in the consular area, through other online platforms such as Smartphone applications.

For public diplomacy purposes, social media is currently being utilised in association with the *Imagine Australia – Year of Australian Culture in China 2010-11* program and the *Australia-Korea Year of Friendship 2011*. The embassy in Beijing has established a presence on several Chinese-language social media sites similar to Facebook and Twitter. The Australian Embassy in Seoul is trialling the use of YouTube and a Korean-language i-Phone application to promote events on the official program to audiences in the Republic of Korea. In both cases, the use of social media is a key part of a broader communication strategy aimed at promoting the official program among audiences in the host country and to reinforce other forms of outreach.

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Attachment A

| Public Diplomacy Branch Programs 2010-11 | Anticipated Expenditure |
|--|------------------------------------|
| Public Diplomacy (Posts) | 1,940,629 |
| Australia International Cultural Council | 999,990 |
| Australia International Cultural Council – International Relations Grants Program – Administered Funding | 400,000 |
| Media Visits Program | 460,000 |
| Images (Production and Publications) | 120,000 |
| Public Diplomacy Contingency Fund | 50,000 |
| International Cultural Visitors | 125,000 |
| Australian Institute of International Affairs – Administered Funding | 80,000 |
| Regional TV Service (Legal Fees) | 12,000 |
| Australia Network – Administered Funding | 19,289,000 |
| Music and Arts (Asialink and Musica Viva) | 260,000 |
| Indigenous Programs | 155,000 |
| Administration | 115,000 |
| Web Unit | 220,000 |
| Total | 24,226,619 |
| Total Minus Australia Network | 4,937,619 |

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| Foundations, Councils and Institutes | Anticipated Expenditure 2010-11 |
|--|--|
| Australia-China Council | 764,240 |
| Australia-India Council | 693,118 |
| Australia-Indonesia Institute | 750,000 |
| Australia-Malaysia Institute | 500,000 |
| Australia-Thailand Institute | 500,000 |
| Australia-Korea Foundation | 750,000 |
| Australia-Japan Foundation | 1,000,000 |
| Council for Australian-Arab Relations | 500,000 |
| Council on Australian Latin American Relations | 500,000 |
| Total | 5,957,358 |

Question No. 41

Program: 2.1

Topic: Consular services challenges

Question in Writing

Senator Trood

Given the Secretary's observations in Estimates that the Department will face further challenges in responding to the consular challenges it faces, how does DFAT intend to respond to this challenge?

Answer

DFAT is responding to increasing consular services challenges by continuing to examine our processes and build upon existing consular capacity. A key tool in this process is the Crisis Management Reform Program (CMRP). DFAT also is continuing to increase the capacity of our consular officers through the delivery of specialised training courses, both in Canberra and at regional training seminars overseas.

The CMRP addresses a number of project areas. Already as a result of the CMRP, we have created a cadre of officers who are trained and on call to staff the DFAT Crisis Centre at short notice. The Crisis Centre cadre has been used to good effect for the first time this year in responding to the crises in Egypt, Libya, New Zealand and Japan.

DFAT is also developing a proposal to create a similar corps of officers to be ready to deploy in Emergency Response Teams. Selected officers will be provided with relevant training and be prepared to deploy at short notice to supplement staff at posts affected by Crises overseas.

Other areas of the CMRP include continuing work on our crisis management processes and products in order to service better the demands for information by our clients. We are also investigating the development of new crisis management information technology systems.

DFAT's current consular training program is based on a three-tiered strategy:

- (i) the delivery of fundamental training packages available to all staff electronically, which allows them to complete the training at their own pace;
- (ii) the delivery of core consular skills courses presented by our own highly trained and experienced consular officers; and
- (iii) the delivery of higher-level training presented at the regional level, intended to prepare and coordinate our posts better in their responses to major crisis events.

We also have been providing and continue to provide training in crisis management to a broad range of officers, not only consular officers, prior to their deployment overseas, in recognition that a crisis response will involve all staff at an affected post.

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DFAT continues to build close working relationships with other government agencies so that we have a greater understanding of their procedures and capabilities, including through joint training and exercising where possible. This work recognises that our ability to manage major consular incidents overseas is more effective when there is a well coordinated whole-of-government approach.

DFAT meets regularly with our key like-minded consular partners (UK, US, Canada and NZ) to share information and ideas on how best to respond to the consular challenges we all face.

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Question No. 42

Program: 2.1

Topic: Consular: Brennan Review

Question in Writing

Senator Trood

- A. Who conducted the review?
- B. How much did it cost?
- C. What were the outcomes of the review?
- D. How many recommendations were made?
- E. Who has access to the review?
- F. What changes has the Department made as a consequence of the review?

Answer

- A. Former DFAT Deputy Secretary, John McCarthy, was engaged under a separate contract in April 2010 to undertake an independent review of the government's handling of Mr Brennan's case.
- B. The rate of Mr McCarthy's contract was \$1,785 per day (inclusive of GST (\$150) and superannuation (\$135)). Travel, reimbursements and associated costs were separate. Contract dates were 16 April 2010 to 16 June 2010.

Total contract costs were \$39,755 (inclusive of GST). Of this, contracted services were \$31,025 (inclusive of GST) and incidental costs (travel and associated expenses) were \$8,730 (inclusive of GST).
- C. The review affirmed the government's no ransom policy but recommended some changes to the government's policy on kidnappings more broadly. For operational reasons, we do not want to discuss the detail of the recommendations publicly, as this will inform future strategies for dealing with any other kidnap cases. If required, we could provide a private briefing on the outcomes of the review.
- D. 21
- E. The Department shared a sanitised version of the review with the Canadian Government, who we worked with closely during the case. The review will also be given to other government agencies involved in the process to facilitate a complete and informed interdepartmental roundtable to consider the recommendations and any changes to policy for handling kidnapping cases.
- F. DFAT will convene an interdepartmental roundtable soon to discuss the recommendations and outline a mechanism for the implementations of any new policies arising from the recommendations.

For operational reasons, we do not want to discuss any changes implemented to date, as this will inform future strategies for dealing with kidnap cases. If required, we could provide a private briefing on the changes implemented.

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Question No. 43

Program: 2.1

Topic: Consular: Jock Palfreeman

Question in Writing

Senator Trood

- A. What consular support has Jock Palfreeman and his family been offered by Australian consular officials?
- B. Where is he being detained?
- C. Has the Embassy been able to have regular access to him? How many times? For how long?
- D. Is he able to receive visits from friends and relatives? How often has this occurred?

Answer

- A. Consular officials have visited, and will continue to visit, Mr Palfreeman regularly in detention. Consular officials have attended all of Mr Palfreeman's court appearances. Consular officials in Australia, Greece and Bulgaria have provided extensive support to Mr Palfreeman's family in Australia and will continue to do so.

The Australian Government has made representations at senior levels within the Bulgarian Government to convey Mr Palfreeman's family's concerns for his welfare and to seek to expedite the legal process.

Consular officials have raised several matters with Sofia prison officials at the request of Mr Palfreeman and his family, including the conditions of his detention, access to computer facilities and requesting that time Mr Palfreeman spends studying be reduced from his sentence.

- B. Mr Palfreeman is imprisoned in Sofia Central prison, Bulgaria
- C. The Honorary Consul in Sofia has regular access to Mr Palfreeman. Since his detention on 28 December 2007 and until 10 March 2011, the Honorary Consul and consular officers have made 40 visits. On average, a visit will last approximately one hour.
- D. Mr Palfreeman can, and does, receive visits in prison from relatives and friends. Given these visits can be arranged directly and without the involvement of consular officials, we are unable to advise how many of these visits have occurred.

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Question No. 44

Program: Portfolio Overview

Topic: Mr Rudd's Travel expenses (Department of Finance and Deregulation)

Question on Notice (Page 22)

Senator Ronaldson

In relation to Mr Rudd's trip to Washington DC and New York announced on 17 September last year, Mr Rudd's trip to Japan, Belgium and Italy announced on 12 October last year, Mr Rudd's trip to China and the Republic of Korea announced on 29 October last year, Mr Rudd's trip to the United Arab Emirates, Kazakhstan and Bahrain announced on 29 November last year, Mr Rudd's trip to Indonesia, the Middle East and South Africa announced on 7 December last year and Mr Rudd's trip to Africa and Europe announced on 24 January this year, could you get me—urgently, please—the total cost of the travel, accommodation and any other expenses associated with all those trips? Also in relation to all those trips, can you provide me with information as to who accompanied the minister and, for each of those people, the total cost of their travel, accommodation and any other expenses? I am sure that is readily available.

Answer

The Department of Finance and Deregulation has provided the following answer.

Costs of official overseas travel by Ministers, Parliamentary Secretaries, accompanying spouses (where relevant) and accompanying staff employed under the *Members of Parliament (Staff) Act 1984* are paid for by the Department of Finance and Deregulation (Finance). Dates, destinations, the purpose and costs of all official overseas visits are tabled in the Parliament every six months in a report titled *Parliamentarians' Expenditure on Entitlements paid by the Department of Finance and Deregulation* and its supporting information. The reports and supporting information are also published on the Finance web site.

In relation to the cost of departmental staff who accompanied Mr Rudd, see the answer to Question No. 45.

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Question No. 45

Program: Portfolio Overview

Topic: Mr Rudd's Travel

Question on Notice (Page 7)

Senator Trood

- A. Regarding Mr Rudd's trip to Washington DC and New York, announced on 17 of September 2010; what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

Who else accompanied the Minister for Foreign Affairs on this trip; and (b) for each of these people, what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

- B. Regarding Mr Rudd's trip to Japan, Belgium and Italy, announced on 12 October 2010; what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

Who else accompanied the Minister for Foreign Affairs on this trip; and (b) for each of these people, what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

- C. Regarding Mr Rudd's trip to China and the Republic of Korea, announced on 29 October 2010; what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

Who else accompanied the Minister for Foreign Affairs on this trip; and (b) for each of these people, what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

- D. Regarding Mr Rudd's trip to the United Arab Emirates, Kazakhstan and Bahrain, announced on 29 November 2010; what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

Who else accompanied the Minister for Foreign Affairs on this trip; and (b) for each of these people, what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

- E. Regarding Mr Rudd's trip to Indonesia, the Middle East and South America, announced on 7 December 2010; what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

Who else accompanied the Minister for Foreign Affairs on this trip; and (b) for each of these people, what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

- F. Regarding Mr Rudd's trip to Africa and Europe, announced on 24 January 2011, what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

Who else accompanied the Minister for Foreign Affairs on this trip; and (b) for each of these people, what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

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Answer

Costs of official overseas travel by Ministers, Parliamentary Secretaries, accompanying spouses (where relevant) and accompanying staff employed under the Members of Parliament (Staff) Act 1984 are paid for by the Department of Finance and Deregulation (Finance). Dates, destinations, the purpose and costs of all official overseas visits are tabled in the Parliament every six months in a report titled *Parliamentarians' Expenditure on Entitlements paid by the Department of Finance and Deregulation* and its supporting information. The reports and supporting information are also published on the Finance web site.

A. Mr Rudd travelled to the United States (Washington and New York) from 17 to 27 September 2010.

Mr Rudd was accompanied by four Canberra-based DFAT staff (two in Washington and two in New York). The total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses for each of these staff is as follows:

First Assistant Secretary, Americas and Africa Division

| | | | | | |
|-----|---------|------|--------|-------|--------|
| (i) | 5583.73 | (ii) | 801.10 | (iii) | 137.22 |
|-----|---------|------|--------|-------|--------|

Head, UNSC Taskforce

| | | | | | |
|-----|----------|------|--------|-------|---------|
| (i) | 11452.84 | (ii) | 122.73 | (iii) | 1204.73 |
|-----|----------|------|--------|-------|---------|

Assistant Secretary, International Organisations Branch

| | | | | | |
|-----|----------|------|---------|-------|---------|
| (i) | 11212.89 | (ii) | 5621.13 | (iii) | 1187.95 |
|-----|----------|------|---------|-------|---------|

Director, Philippines and Thailand Section

| | | | | | |
|-----|----------|------|---------|-------|---------|
| (i) | 11719.66 | (ii) | 6183.25 | (iii) | 1801.66 |
|-----|----------|------|---------|-------|---------|

B. Mr Rudd travelled to Japan, Belgium, Italy and the Holy See from 12 to 20 October 2010.

Mr Rudd was accompanied by one Canberra-based DFAT staff member (for the travel to Belgium, Italy and the Holy See). The total cost of (i) travel, (ii) accommodation, and (iii) any other expenses for this staff member is as follows:

Assistant Secretary, Pakistan and Afghanistan Branch

| | | | | | |
|-----|---------|------|---------|-------|--------|
| (i) | 9994.29 | (ii) | 2112.78 | (iii) | 410.27 |
|-----|---------|------|---------|-------|--------|

C. Mr Rudd travelled to China and the Republic of Korea from 31 October to 6 November 2010.

Mr Rudd was accompanied by one Canberra-based DFAT staff member (to all destinations). The total cost of (i) travel, (ii) accommodation, and (iii) any other expenses for this staff member is as follows:

First Assistant Secretary, North Asia Division

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| | | | | | |
|-----|----------|------|--------|-------|--------|
| (i) | 12011.08 | (ii) | 937.60 | (iii) | 129.86 |
|-----|----------|------|--------|-------|--------|

D. Mr Rudd travelled to the United Arab Emirates, Kazakhstan and Bahrain from 29 November to 6 December 2010.

Mr Rudd was accompanied by two Canberra-based DFAT staff (to all destinations). The total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses for each of these staff is as follows:

(Acting) First Assistant Secretary, Europe Division

| | | | | | |
|-----|----------|------|--------|-------|--------|
| (i) | 11419.78 | (ii) | 825.65 | (iii) | 766.33 |
|-----|----------|------|--------|-------|--------|

Assistant Secretary, Middle East Branch

| | | | | | |
|-----|----------|------|---------|-------|--------|
| (i) | 12656.48 | (ii) | 1576.52 | (iii) | 453.60 |
|-----|----------|------|---------|-------|--------|

E. Mr Rudd travelled to Indonesia, Egypt, Jordan, Israel, the Palestinian Territories, Brazil and Chile from 8 to 20 December 2010.

Mr Rudd was accompanied by four Canberra-based DFAT staff (two in Indonesia, one in the Middle East, and one in Brazil and Chile). The total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses for each of these staff is as follows:

First Assistant Secretary, South-East Asia Division

| | | | | | |
|-----|---------|------|---------|-------|--------|
| (i) | 5106.86 | (ii) | 1246.73 | (iii) | 137.87 |
|-----|---------|------|---------|-------|--------|

First Assistant Secretary, South and West Asia and Middle East Division

| | | | | | |
|-----|---------|------|--------|-------|-------|
| (i) | 3296.11 | (ii) | 853.68 | (iii) | 49.09 |
|-----|---------|------|--------|-------|-------|

Ambassador for People Smuggling Issues

| | | | | | |
|-----|----------|------|--------|-------|--------|
| (i) | 14099.00 | (ii) | 593.90 | (iii) | 638.58 |
|-----|----------|------|--------|-------|--------|

Assistant Secretary, Canada and Latin America Branch

| | | | | | |
|-----|----------|------|---------|-------|---------|
| (i) | 10199.60 | (ii) | 2368.21 | (iii) | 1076.03 |
|-----|----------|------|---------|-------|---------|

F. Mr Rudd travelled to Ethiopia, Switzerland, Turkey, Greece, Liechtenstein and Germany from 24 January to 7 February 2011.

Mr Rudd was accompanied by five Canberra-based DFAT staff (two in Ethiopia, one in Switzerland, one in Turkey and Greece and two in Germany). The total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses for each of these staff is as follows:

(Acting) First Assistant Secretary, Europe Division

| | | | | | |
|-----|----------|------|---------|-------|--------|
| (i) | 12349.74 | (ii) | 2288.88 | (iii) | 480.84 |
|-----|----------|------|---------|-------|--------|

Assistant Secretary, Africa Branch

Senate Standing Committee on Foreign Affairs, Defence and Trade

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| | | | | | |
|--|----------|------|---------|-------|---------|
| (i) | 12557.72 | (ii) | 360.00 | (iii) | 377.79 |
| Assistant Secretary, Arms Control and Counter-Proliferation Branch | | | | | |
| (i) | 8574.68 | (ii) | 1024.97 | (iii) | 1824.53 |
| Director, UNSC Taskforce | | | | | |
| (i) | 17223.72 | (ii) | 2512.64 | (iii) | 938.46 |
| Executive Officer, Climate Change and Environment Section | | | | | |
| (i) | 9590.64 | (ii) | 2465.30 | (iii) | 598.27 |

Senate Standing Committee on Foreign Affairs, Defence and Trade

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Question No. 46

Program: 1.1

Topic: RAMSI

Question in writing

Senator Xenophon

What has been the cost of the Regional Assistance Mission to the Solomon Islands following the 2003 crisis?

Answer

Australia's total budget outlays for the Regional Assistance Mission to Solomon Islands (RAMSI) from 2003-04 to 2008-09 were approximately \$1.3 billion.

For the period from 2009-10 to 2012-13, Australia has allocated an additional total of \$819.8 million to Australian agencies to support RAMSI. This figure includes allocations for Defence of \$29.3 million in 2009-10 and \$42.5 million in 2010-11, but does not include allocations for Defence in 2011-12 or 2012-13, given that Defence appropriations of this kind are considered annually.