

Senate Foreign Affairs, Defence and Trade Legislation Committee

Budget estimates 2010–2011; June 2010

Answers to questions on notice from Department of Foreign Affairs and Trade

Question 1

Program 2.1

Topic: Passports

Hansard p. 14

Senator Forshaw asked:

How many L series, M series with and without a microchip and N series passports are still in circulation?

Answer

As at 20 August 2010, there were 1,927,027 L series, 1,496,071 M series without a microchip, 4,581,298 M series with a microchip and 2,196,818 N series valid passports still in circulation.

Question 2

Program 1.1

Topic: Visit by the Dalai Lama

Hansard pp. 29-33

Senator Trood asked:

- A. When the Dalai Lama came to Australia in December 2009, did he seek a meeting with the Prime Minister?
- B. Prior to the visit by the Dalai Lama, did the Deputy Ambassador of China express his gratitude to the Australian government for the Prime Minister not meeting the Dalai Lama?
- C. Do you know the reasons why the Prime Minister did not see the Dalai Lama in December 2009?

Answer (as at 20 August 2010)

- A. No.
- B. It is the longstanding practice of successive Governments not to comment on the details of confidential diplomatic communications.
- C. In early October 2009 a spokesperson for the then Prime Minister announced that he would not be meeting with the Dalai Lama during the latter's visit in December 2009. This does not represent any change in Australia's position towards Tibet or the Dalai Lama.

The Dalai Lama is a frequent visitor to Australia and this last visit marks his third in three years. While in Australia in December 2009, the Dalai Lama had a private meeting

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with the then Minister for the Environment, Heritage and the Arts, the Hon Peter Garrett AM MP. During his 2008 visit, the Dalai Lama met the then Acting Prime Minister, Senator the Hon Chris Evans, and the then Minister for Foreign Affairs, the Hon Stephen Smith MP. Mr Rudd had the opportunity to meet the Dalai Lama in June 2007. These meetings reflect the Dalai Lama's status as a significant spiritual leader and Nobel Peace Prize Laureate.

Question 3

Program 1.1

Topic: Tibetan Prime Minister in exile

Hansard p. 34

Senator Ludlam asked:

Are you aware of whether the Tibetan Prime Minister in exile requested a meeting with Australian government officials or ministers during the Dalai Lama and the Tibetan Prime Minister's recent visit to Australia?

Answer (as at 20 August 2010)

No, we are not aware of any such request.

Question 4

Program 1.1

Topic: Thailand

Hansard p. 52

Senator Kroger

Were the three Australians injured in Thailand during the recent Red Shirt protests residents or tourists?

Answer (as at 20 August 2010)

The three Australians injured were short-term visitors to Thailand.

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Question 5

Program 1.1

Topic: List of prohibited imports and exports to Burma

Hansard p. 56

Senator Ludlam asked:

- A. Are there any changes to the list of prohibited imports and exports?
- B. Can you provide an update on the issue of radio equipment that was discussed during Additional Estimates?

Answer (as at 20 August 2010)

- A. The arms embargo on Burma applies to all goods listed under the Defence and Strategic Goods List (DSGL). The DSGL lists all goods and dual-use technologies that are controlled under Regulation 13E of the *Customs (Prohibited Exports) Regulations 1958*.

The DSGL was most recently updated on 4 May 2010 to include 23 new export controls across the munitions and dual-use goods and technologies lists, including controls on accelerometers for use in missiles, equipment used for jamming, detonating, disrupting or detecting improvised explosive devices, and civil aircraft protection systems.

This update was general, and did not relate to specific countries.

The DSGL has its genesis in a number of international export control regimes of which Australia is a member, such as the Wassenaar Arrangement, the Australia Group, the Nuclear Suppliers Group and the Missile Technology Control Regime. The regular updating of the DSGL involves the adoption of amendments to the control lists of these international arrangements.

- B. On 16 August 2010, the *Sydney Morning Herald* reported that Barrett Communications had sold radios to Burma that were capable of frequency-hopping option (FHO) encrypted communications.

The company previously confirmed that the radios it supplied to Burma were of a standard configuration and did not have frequency-hopping capabilities. The company also confirmed that it had not supplied either the hardware or the activation codes needed to enable a FHO function on these radios.

As these radios were not capable of encrypted communications, they were not listed under the DSGL, and are therefore not controlled under Australia's defence export control system.

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Question 6

Program 1.1

Topic: Asylum seekers on the *Jaya Lestari*

Hansard p. 57

Senator Trood asked:

- A. Is the Indonesian immigration facility in Tanjung Pinang far from Merak?
- B. How many people were disembarked from the vessel?

Answer (as at 20 August 2010)

- A. ‘As the crow flies’ the distance from Merak port to Tanjung Pinang is approximately 870 km.
- B. The Department of Immigration and Citizenship is the lead agency for issues related to management of potential irregular immigrants, including in relation to liaison and engagement with relevant Indonesian authorities on related issues.

On 19 April 2010, 144 people disembarked from the *Jaya Lestari* vessel.

Question 7

Program 1.1

Topic: Prime Minister’s attendance at President Obama’s summit

Hansard pp. 65-66

Senator Trood asked:

The Prime Minister was due to visit the United States earlier in the year for President Obama’s summit in relation to non-proliferation and related matters. Can you advise when the United States was advised that the Prime Minister would not be attending?

Answer (as at 20 August 2010)

The Department of the Prime Minister and Cabinet (PM&C) advises that the United States was informed on 7 April 2010 that the Prime Minister would not be attending the Nuclear Security Summit.

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Question 8

Program 1.1

Topic: Discussions with mining industry bodies

Hansard p. 71

Senator Ludlam asked:

Has the department had formal or informal discussions with the Australia Africa Mining Industry Group or any other mining industry bodies relating to this public-private partnership style proposal?

Answer (as at 20 August 2010)

The department has met members of the Australia Africa Mining Industry Group (AAMIG) and other mining bodies on various occasions to discuss Australia's enhanced engagement with Africa, including Australia's development assistance to Africa and ways it works to boost the capacity of African Governments and institutions in the natural resources sector.

The potential for collaboration between the Australian Government and industry in community development in Africa has been canvassed in some of these discussions.

Question 9

Program 3.1

Topic: Control Risk Group

Hansard p. 89

Senator Trood asked:

When did Control Risks take over responsibility for the protection of or the security for the Embassy in Kabul?

Answer (as at 20 August 2010)

Control Risk signed a contract with the Australian government for the provision of close personal protection for Australian government officials in Kabul in August 2006, and commenced in September 2006.

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Question 10

Programs 1.1 and 2.1

Topic: Robert Langdon

Hansard p. 92

Senator Trood asked:

Once the latest appeal process is exhausted, does Mr Langdon have any further avenues for appeal, should the appeal not succeed?

Answer (as at 20 August 2010)

If Mr Langdon's appeal to the Supreme Court fails, there are no further avenues for judicial appeal. Mr Langdon would have the option of appealing to the President for a pardon or clemency.

Question 11

Program 1.1

Topic: Litigation before the ICJ

Hansard p. 101

Senator Trood asked:

The last time we took a country to the international court was the case with France in relation to nuclear testing. How long did this case take?

Answer (as at 20 August 2010)

Australia instituted proceedings in the International Court of Justice on 9 May 1973.

The case was finalised when the International Court of Justice delivered its judgment on 20 December 1974.

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Question 12

Program 1.1

Topic: Nuclear proliferation assessment statement

Hansard p. 110

Senator Ludlam asked:

Are you aware of the nuclear proliferation assessment statement that was referred to by President Obama in relation to the Australia-US nuclear agreement?

Answer (as at 20 August 2010)

Yes. The Government is aware that in respect of the Proposed Agreement between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy, the United States produced a Nuclear Proliferation Assessment Notice (NPAS). The United States has not made the NPAS publicly available.

Question 13

Program 1.1

Topic: Sales of uranium exports to the United States

Hansard pp. 110-111

Senator Ludlam asked:

Can you tell us how we can be satisfied that it is not possible for Australian uranium sold to the United States to find its way to India, given the US-India deal a year or two ago which we ticked off within the NSG?

Answer (as at 20 August 2010)

Under Article 5 of Australia's bilateral nuclear cooperation agreement with the United States, nuclear material sent from Australia to the US may not be retransferred to a third country without Australia's consent. It has long been Australian Government policy to give consent to retransfers only where we have a bilateral nuclear safeguards agreement in place with the third country.

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Question 14

Program 1.1

Topic: Overseas property maintenance program

Hansard p. 113-114

Senator Trood asked:

- A. Can you please outline the anticipated expenditure in relation to the various properties we have overseas?
- B. Do you have a figure in relation to each of the properties and the extent to which you have determined an expected expenditure in relation to those properties?

Answer (as at 20 August 2010)

Anticipated expenditure for each property we own overseas for financial years 2010-11, 2011-12, 2012-13 and 2013-14 is provided in the attached schedule.

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Overseas Property Office, DFAT

Overseas owned estate

Forward program of anticipated expenditure by property

Property	2010-11	2011-12	2012-13	2013-14
Amman Chancery	162,253.40	161,268.16	161,557.33	161,605.00
Apia Chancery	128,340.75	136,712.10	56,969.19	49,998.87
Apia HOM Residence	26,491.94	68,385.44	140,119.65	29,631.95
Apia Residential Compound	91,697.37	262,164.66	135,207.71	52,796.36
Auckland Staff Residence	72,550.80	46,287.46	69,197.49	10,719.56
Bali Chancery	42,935.38	46,853.24	47,866.92	48,104.05
Bangkok Chancery & HOM Residence	471,478.10	407,350.94	409,044.94	409,571.76
Beijing Chancery, HOM Residence & Residential Compound	940,296.92	1,274,293.60	975,992.36	1,869,112.70
Berlin Chancery & Residential Compound	493,331.74	490,812.13	1,329,938.30	450,458.06
Berlin HOM Residence	132,800.97	32,938.11	32,976.45	82,590.03
Brasilia Chancery & HOM Residence	103,768.60	309,658.29	160,337.31	559,208.64
Buenos Aires Chancery	338,264.78	177,535.64	102,647.70	102,610.20
Buenos Aires HOM Residence				

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Overseas Property Office, DFAT

Overseas owned estate

Forward program of anticipated expenditure by property

Property	2010-11	2011-12	2012-13	2013-14
	90,114.54	31,089.13	31,521.04	31,154.15
Cairo HOM Residence	120,451.76	53,435.06	97,395.32	9,032.32
Colombo HOM Residence	167,945.45	167,273.08	165,964.53	163,721.28
Colombo Staff Residence Horton Place	3,556.03	3,556.03	3,556.03	3,438.80
Dhaka Chancery, HOM Residence, Staff Residences & Rec Facilities	214,267.62	85,340.47	69,522.81	68,144.23
Dili HOM Residence	83,776.74	191,458.23	192,164.91	591,545.14
Dublin HOM Residence	1,136,529.67	7,338.11	6,322.77	174,325.86
Geneva Chancery	400,415.84	212,163.53	351,364.84	334,124.25
Geneva HOM Residence	165,177.25	26,635.87	15,783.78	146,217.54
Hanoi Chancery, HOM Residence and Residential Compound	553,664.19	1,002,632.46	349,987.54	374,459.05
Harare Chancery	272,607.86	222,298.02	236,051.78	232,476.02
Harare Staff Residence Arcturus Rd	128,785.11	46,439.11	41,061.83	47,422.11
Harare Staff Residence Bernard Avenue	179,281.16	40,260.57	51,848.31	42,498.64

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Property	2010-11	2011-12	2012-13	2013-14
Hong Kong HOM Residence	93,057.74	146,008.02	24,914.69	353,535.35
Honiara Chancery	47,532.69	67,734.25	46,425.51	45,991.39
Honiara HOM Residence	60,980.02	32,891.69	17,604.19	17,669.53
Honiara Staff Residence Lepping Rd Lengakiki	12,697.68	13,094.21	14,012.93	30,008.72
Honiara Staff Residence Lot 26 Lepping Road	14,792.98	14,637.52	15,892.21	17,608.88
Honiara Staff Residence Tavioa Ridge Rd	14,183.12	14,556.33	14,782.46	15,714.88
Honiara Staff Residences Lengakiki Ridge	33,358.51	23,798.08	25,517.67	25,157.21
Honiara Vacant Land White River	152.99	148.63	144.53	140.65
Honolulu HOM Residence	41,244.25	24,649.96	24,926.39	33,492.05
Islamabad Chancery & HOM Residence	110,344.02	142,527.27	89,932.58	93,487.02
Islamabad Chancery (Former)	28,822.89	13,960.65	62,063.51	10,552.88
Jakarta Chancery	286,809.44	263,974.59	269,709.82	271,088.10
Jakarta HOM Residence				

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Property	2010-11	2011-12	2012-13	2013-14
	31,448.96	75,861.41	31,535.64	31,577.33
Jakarta Land	16,049.50	17,642.02	18,053.83	18,196.04
Jakarta Recreational Cottages	8,634.02	17,047.80	6,220.53	6,156.54
Johannesburg Staff Residence Eccleston Cres	135,688.51	68,090.42	96,251.36	38,489.83
Kobe Staff Residence Shinohara Obanoyamacho	51,378.45	84,322.64	49,347.72	24,916.51
Kuala Lumpur Chancery	460,799.09	716,169.63	367,789.65	433,995.99
Kuala Lumpur HOM Residence	63,901.21	58,674.14	35,579.61	34,955.84
London—Australia Centre	33,490.02	34,916.41	35,392.35	35,289.37
London Chancery	2,871,564.01	3,886,350.29	2,222,353.95	1,537,075.72
London HOM Residence	218,348.81	109,606.21	261,284.64	90,802.42
London Staff Residence 7 Argyll Road	108,856.86	13,401.60	18,584.53	77,504.13
London Staff Residence Bryanston Square	51,305.71	42,255.52	42,926.19	81,051.43
London Staff Residence Parklands	13,857.87	35,857.34	112,371.57	39,078.48

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Property	2010-11	2011-12	2012-13	2013-14
Malta HOM Residence	131,392.59	108,065.47	42,626.35	82,170.66
Manila HOM Residence	105,124.22	46,325.86	98,509.58	80,826.43
Manila Staff Residence	153,604.02	55,303.60	42,308.76	13,185.30
Mexico City Chancery	273,052.02	129,154.75	85,651.36	475,367.28
Mexico City HOM Residence	60,054.97	115,973.10	116,060.92	155,852.34
Nairobi HOM Residence	125,589.70	32,566.17	67,573.45	40,822.65
Nairobi Staff Residence 39 Tchui Rd	91,916.15	34,892.34	39,557.54	29,663.42
Nairobi Staff Residence Mzima Springs Rd	102,955.17	30,813.15	32,217.97	33,401.68
New Delhi Chancery, HOM Residence & Staff Residences	1,185,091.17	1,276,041.45	1,072,653.30	962,277.86
New York Staff Residence 5/6A Beekman Place	310,500.77	291,973.94	294,766.12	295,206.02
New York Staff Residence 5/6C Beekman Place	253,584.56	154,955.57	190,479.57	155,235.83
Nicosia Chancery	10,882.81	11,067.24	11,087.60	11,094.13
Noumea Chancery				

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Property	2010-11	2011-12	2012-13	2013-14
	131,882.61	117,722.32	154,577.26	121,134.27
Noumea HOM Residence	27,972.61	66,140.21	341,358.51	56,463.17
Noumea Staff Residence Rue Louis Catalan	1,156.56	1,156.56	1,156.56	1,118.43
Noumea Staff Residence Rue Paul Montchovet	90,824.22	23,110.18	20,365.30	20,585.04
Nuku'alofa Chancery	77,488.28	210,884.08	68,130.66	32,085.83
Nuku'alofa HOM & Staff Residence Vuna St	103,636.33	44,287.04	70,938.88	56,134.92
Nuku'alofa Staff Residence Salote Rd	84,821.51	49,970.59	12,094.12	8,956.23
Ottawa HOM Residence	76,484.75	67,644.04	37,462.73	20,332.43
Paris Chancery & HOM Residence & Staff Residences	3,484,808.09	3,116,922.89	2,525,134.48	2,398,383.18
Phnom Penh Chancery	46,877.06	44,651.76	46,732.86	48,927.40
Phnom Penh HOM Residence	180,457.90	54,239.82	55,514.83	55,669.23
Pohnpei HOM Residence and Staff Residences	98,216.94	246,991.51	373,948.99	51,287.03
Port Louis HOM Residence				

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Overseas Property Office, DFAT

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Property	2010-11	2011-12	2012-13	2013-14
	63,651.20	27,684.52	29,245.79	30,564.83
Port Moresby Chancery	1,057,971.20	776,377.55	779,712.15	773,694.61
Port Moresby HADS Residence	160,986.34	50,011.43	36,308.20	52,455.71
Port Moresby HOM Residence	130,722.23	86,828.26	106,297.71	93,640.48
Port Moresby Staff Residence Daugo Dr	28,334.85	9,176.85	38,454.47	38,676.36
Port Moresby Staff Residence Top Port Rd 2	24,359.05	11,228.65	13,462.24	12,693.32
Port Moresby Staff Residences Airvos	71,057.93	59,716.95	85,638.39	86,174.64
Port Moresby Staff Residences Konedobu	2,378,081.58	1,896,964.41	583,770.03	702,586.20
Port Moresby Staff Residences Port Rd 1	490,198.15	82,893.53	91,545.96	93,914.41
Port Moresby Staff Residences Port Rd 2	766,177.74	114,516.65	118,933.06	118,459.62
Port Moresby Staff Residences Touaguba Hill	175,280.39	112,336.91	122,378.54	104,903.19
Port Vila HOM Residence	69,826.91	153,624.22	157,485.98	115,238.49
Port Vila Staff Residences Ellouk Drive Hse 1-3	76,613.06	62,517.66	37,093.06	42,963.80

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Port Vila Staff Residences Ellouk Drive Hse 5 & 6	238,995.90	95,874.78	20,354.52	20,723.87
Pretoria HOM Residence	65,146.57	44,813.91	39,482.64	39,149.41
Rangoon HOM Residence	353,922.72	85,588.49	64,153.42	44,376.36
Riyadh Chancery & HOM Residence	248,319.51	329,338.08	266,108.01	273,074.03
Riyadh Staff Residence Meem St	3,454.77	3,755.69	14,286.88	6,365.18
Rome HOM Residence	286,031.00	173,838.99	40,246.88	124,183.53
Santiago HOM Residence	59,531.88	51,487.04	28,480.48	28,022.38
Seoul HOM Residence	64,761.18	65,328.92	202,971.82	27,979.61
Seoul Staff Residence Itaewan-dong	41,240.92	102,247.84	33,243.93	116,005.93
Shanghai Residential Compound	282,304.57	262,673.42	181,550.45	182,334.15
Singapore Chancery	502,576.39	2,289,318.99	458,098.27	467,703.86
Singapore HOM Residence	258,004.50	643,360.32	82,786.79	82,075.63
Singapore Staff Residence Ewart Park A				

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	85,281.97	20,961.85	21,264.19	21,028.86
Singapore Staff Residence Ewart Park B	18,588.22	19,988.08	20,416.24	20,402.66
Stockholm HOM Residence	94,801.34	46,973.82	131,128.98	158,183.07
Stockholm Staff Residence Holandsvagen	111,187.12	50,528.08	123,534.34	15,335.19
Suva Chancery, HOM Residence & Residential Compound	786,231.77	672,153.18	205,727.79	138,876.31
Suva Staff Residence 15 Kavika Place	31,994.32	24,891.16	64,437.96	5,845.94
Suva Staff Residence 5 Kavika Place	52,784.36	66,550.43	24,790.36	32,544.83
Suva Staff Residence Navurevure Rd	46,412.40	17,781.57	39,751.32	5,695.80
Suva Staff Residence Princes Rd	66,072.42	49,993.20	23,054.48	5,362.66
Suva Staff Residence Vunilekutu Rd	5,095.50	5,155.58	5,117.01	4,957.10
Tarawa Chancery	29,468.26	44,022.32	16,941.31	16,786.74
Tarawa HOM Residence	39,234.26	26,734.26	65,234.26	18,968.34
Tarawa Staff Residence Lot BA39 Bairiki	47,237.28	28,255.53	13,655.53	13,525.59

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Property	2010-11	2011-12	2012-13	2013-14
Tarawa Staff Residences Lot BA17 Bairiki	26,524.32	22,703.72	19,353.72	19,123.71
Tel Aviv HOM Residence	194,505.05	36,804.05	13,276.56	9,663.24
The Hague HOM Residence	231,356.14	25,276.23	20,199.62	20,040.32
Tokyo Chancery, HOM Residence & Residential Compound	1,641,237.94	1,587,572.63	1,086,207.73	1,696,183.64
Toronto Staff Residence Sunnydene Crescent	32,107.23	19,639.91	19,897.80	19,665.27
Vienna HOM Residence	68,745.36	29,168.24	29,223.45	29,268.99
Vientiane Chancery	120,435.84	133,184.60	136,657.96	141,447.50
Vientiane Recreational Facility	43,547.22	23,301.50	11,030.74	16,082.56
Vientiane Staff Residence Nouay 10	24,488.64	22,854.97	17,643.94	4,233.64
Vientiane Staff Residence Nouay 14	32,056.81	55,223.32	13,169.47	3,035.12
Vientiane Staff Residence Nouay 24	129,596.88	2,213.25	6,080.84	2,243.47
Washington Chancery	941,342.39	1,147,549.28	807,362.21	729,151.70
Washington HOM Residence				

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	173,618.52	80,119.16	55,503.38	54,877.00
Washington Staff Residence 2720 31st Place	59,748.02	27,423.85	10,078.45	9,868.18
Washington Staff Residence 27210 31st Place	33,493.18	16,114.88	34,039.01	15,781.39
Washington Staff Residence Cleveland Avenue	144,669.07	48,625.24	421,836.39	13,473.92
Washington Staff Residence Woodland Avenue	57,305.84	223,196.97	21,570.89	10,527.47
Wellington Chancery	187,419.41	215,562.81	190,254.53	1,086,395.70
Wellington HOM Residence	155,305.94	46,954.57	18,216.92	17,863.45
Owned Portfolio*	512,833.00	882,999.00	680,159.00	5,598,681.00
Total	32,660,734.89	31,065,190.99	22,937,832.68	28,247,763.61

Note: The figures in the table above include anticipated expenditure for the following:

- (1) **Programmed works:** Planned property replacement, refurbishment and repair works, including minor capital works
- (2) **Scheduled Works:** Cyclical activities such as inspections, calibrations, routine repairs and routine maintenance
- (3) **Reactive Works:** Provision for works not scheduled or programmed
- (4) **Compliance Works:** Rectification works in response to compliance audits
- (5) **Taxes and Charges:** Ground lease rentals, Body corporate, Income tax, Land tax

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Overseas Property Office, DFAT

Overseas owned estate

Forward program of anticipated expenditure by property

Property	2010-11	2011-12	2012-13	2013-14
(6) Property LES: Locally engaged staff involved in property management				
(7) Motor vehicle costs: Running and maintenance cost of vehicles used for property management				
(8) Insurance: Comcover Insurance costs for properties				

Note: The figures in the table above exclude anticipated expenditure for the following:

- (1) Medium and major capital works project:** Capital works projects with a value over \$2m.
- (2) Outsourced property services:** United Group Limited contract including the Facilities Manager network.

*** Includes funding for Insurance for all properties and contingencies (funding not yet allocated to particular properties).**

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Question 15

Portfolio Overview

Topic: Board appointments

Written question

Senator Barnett asked:

- A. i. What is the gender ratio on each board and ii. across the portfolio?
B. What is the gender ratio of appointments made to boards since the Government came to office in November 2007?

Answer

A. i. As at 20 August 2010 the gender ratio on each board was as follows:

Department of Foreign Affairs and Trade (DFAT)

Foundation or Council	Female	Male
Australia-China Council	3	4 (plus 1 additional male <i>ex officio</i> member from DFAT)
Australia- Korea Foundation	2	6 (plus 1 additional male <i>ex officio</i> member from DFAT)
Australia-Japan Foundation	3	5 (plus 1 additional male <i>ex officio</i> member from DFAT)
Council on Australia Latin America Relations	2	6 (plus 3 additional male <i>ex officio</i> members from DFAT, Austrade and DEEWR)
Australia-Indonesia Institute	2 (plus one additional female <i>ex officio</i> member from DFAT)	6
Australia-Malaysia Institute	4 (plus one additional female <i>ex officio</i> member from DFAT)	3
Australia-Thailand Institute	1 (plus one additional female <i>ex officio</i> member from DFAT)	7

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Foundation or Council	Female	Male
Council for Australian-Arab Relations (CAAR)	2	5 (plus 2 additional male <i>ex officio</i> members from DFAT and Austrade)
Australia-India Council	3	4 (plus 1 additional male <i>ex officio</i> member from DFAT)
Australia International Cultural Council ¹	8 (including 5 <i>ex-officio</i> members)	8 (including 3 <i>ex-officio</i> members)

Export Finance and Insurance Corporation (EFIC)

Board of the Export Finance and Insurance Corporation	1 female	8 males* *only including one government member
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Australian Centre for International Agricultural Research (ACIAR)

Category	Female	Male
ACIAR Commission	2	5
ACIAR Policy Advisory Council	2	8

Austrade

There are no boards managed by Austrade.

AusAID

AusAID does not currently have any boards.

¹ The gender ratio information for the Australia International Cultural Council was inadvertently omitted from Senator Barnett's written question no. 5, Board Appointments (Additional Estimates, 11 Feb 2010). The gender ratio figures quoted above, for the AICC, have not changed since February 2010.

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A. ii.

Department of Foreign Affairs and Trade (DFAT)

The gender ratio of the Department of Foreign Affairs and Trade as detailed in the 2008-09 Annual Report is as follows:

Category	Female	Male
Ongoing employees	1132	1020
Non-ongoing employees	47	27
Overseas employees	797	780

Export Finance and Insurance Corporation (EFIC)

The gender ratio of the Export Finance and Insurance Corporation as detailed in the 2008-09 Annual Report is as follows:

	Female	Male
EFIC	40	44

Australian Centre for International Agricultural Research (ACIAR)

The gender ratio of ACIAR as detailed in the 2008-09 Annual Report is as follows:

Category	Female	Male
Full-time ongoing employees	16	5
Full-time non ongoing employees	4	12
Part-time ongoing employees	7	1
Part-time non ongoing employees	2	0

Austrade

The gender ratio of Austrade, as detailed in the 2008-09 Annual Report, is as follows:

Category	Female	Male
Ongoing employees	227	261
Non-ongoing employees	22	13
Overseas engaged employees	314	210

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AusAID

The gender ratio of AusAID, as detailed in the 2008-09 Annual Report, is as follows:

Category	Female	Male
Ongoing employees	456 (Dept funded) 86 (Admin funded)	247 (Dept funded) 62 (Admin funded)
Non-ongoing employees	17 (Dept funded) 16 (Admin funded)	12 (Dept funded) 18 (Admin funded)

As at 30 June 2009 AusAID had 430 O-Based staff. AusAID do not capture Diversity statistics for our O-Based staff.

B.

Department of Foreign Affairs and Trade (DFAT)

Australia China Council

Two men and one woman have been appointed to the board of the Australia-China Council since November 2007.

Australia-Korea Foundation

7 men and 3 women have been appointed to the board of the Australia-Korea Foundation since November 2007.

Australia-Japan Foundation

4 men and 2 women have been appointed to the board of the Australia-Japan Foundation since November 2007.

Council on Australia Latin America Relations

The Government has appointed 1 man (ex-officio DEEWR member) to the Council on Australia Latin America Relations since November 2007.

Australia-Indonesia Institute

3 men and no women have been appointed to the board of the Australia-Indonesia Institute since November 2007.

Australia-Malaysia Institute

4 women and 2 men have been appointed to the board of the Australia-Malaysia Institute since November 2007.

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Australia-Thailand Institute

1 woman and 4 men have been appointed to the board of the Australia-Thailand Institute since November 2007.

Council for Australia-Arab Relations

The Government has appointed 12 men (including one ex-officio Austrade member) and 4 women (including one ex-officio DFAT member) to the Council of Australian-Arab Relations since November 2007.

Australia India Council

4 men and 2 women have been appointed to the board of the Australia India Council since November 2007. A female Interim Chair was appointed from within the Board's Membership.

Australia International Cultural Council

Six women and 7 men have been appointed to the board of the Australia International Cultural Council since November 2007.

Export Finance and Insurance Corporation (EFIC)

There have been 5 appointments including the government member and the alternative government member, all males and 2 reappointments, again both male.

Female member appointed prior to November 2007.

Australian Centre for Agricultural Research (ACIAR)

1 woman and 2 men have been appointed to the Australian Centre for International Agricultural Research Commission since November 2007.

1 woman and 7 men have been appointed to the Australian Centre for International Agricultural Research Policy Advisory Council since November 2007.

Austrade

Not applicable.

AusAID

Not applicable.

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Question 16

Portfolio Overview

Topic: Community Cabinets

Question in writing

Senator Barnett asked:

- A. What was the cost of Ministers travel and expenses for the Community Cabinet meetings held since additional estimates?
- B. How many Ministerial Staff and Departmental officers travelled with the Minister for the Community Cabinet meeting?
- C. What was the total cost of this travel?
- D. What was the total cost to the Department and the Ministers office?

Answer (as at 20 August 2010)

A. Information on ministers domestic travel costs is available from the Department of Finance and Deregulation (DoFD).

B. No ministers attended the 19 May 2010 Community Cabinet Meeting in Burnie, Tasmania. One departmental officer attended the meeting.

For the 9 June 2010 Community Cabinet Meeting in Perth, Western Australia, two ministerial staff travelled with Mr Crean and two ministerial staff travelled with Mr Smith. One departmental officer and one officer from Austrade also attended the meeting.

C. Information on ministers domestic travel costs is available from the Department of Finance and Deregulation (DoFD).

The total cost of travel to the portfolio was \$334.

D. Information on ministers domestic travel costs is available from the Department of Finance and Deregulation (DoFD).

The total cost of travel to the portfolio was \$334.

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Answers to questions on notice from Department of Foreign Affairs and Trade

Question 17

Portfolio Overview

Topic: Consultancies

Question in writing

Senator Barnett asked:

- A. How many consultancies have been undertaken or are underway since November 2007? Please identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the contract, and the method of procurement (ie. open tender, direct source, etc).
- B. Please also include total value for all consultancies, including figures for total *spending* on consultancies and also *value of contracts awarded*? Provide total figures since November 2007 and a breakdown on these figures for FY 2008/09 and 2009/10 FYTD.
- C. Is the Department/agency up to date with its reporting requirements on the Government's tenders and contracts website? Are the figures available on that site correct?
- D. How many consultancies are planned for this calendar year? Have these been published in your Annual Procurement Plan (APP) on the AusTender website and if not why not? In each case please identify the subject matter, duration, projected cost and method of procurement as above, and the name of the consultant if known.

All answers should be current at the time the answer is submitted.

Answer (as at 20 August 2010)

Department of Foreign Affairs and Trade

- A. All agencies subject to the Financial Management and Accountability Act 1997 are required to report Australian procurement contracts awarded where the contract value is \$10,000 or more on AusTender, the government's tender and procurement reporting system. From 3 September 2007, departments and agencies have been required to include on AusTender details of those contracts which are consultancies and the reason for the consultancy. The information sought by the honourable Senator in relation to consultancies valued at \$10,000 or more will therefore be available on the AusTender website (www.tenders.gov.au). Details of consultancies over \$10,000 in the relevant period are also listed in Appendix 11 of the 2007-08 Annual Report (page 316) and Appendix 12 of the 2008-09 Annual Report (page 297) of the Department of Foreign Affairs and Trade. Details of consultancies over \$10,000 for the 2009-2010 financial year will be listed in the annual report for that period, which will be tabled in Parliament by the due date. To provide details of consultancies and contracts awarded valued at less than \$10,000 would entail a significant diversion of resources and, in these circumstances, I do not consider the additional work can be justified.
- B. Refer to response to question A.
- C. Yes.

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- D. The Department of Foreign Affairs and Trade's Annual Procurement Plans for the 2009-10 and 2010-11 Financial Years are published on the AusTender website and are available at www.tenders.gov.au.

Austrade

- A. All agencies subject to the Financial Management and Accountability Act 1997 are required to report Australian procurement contracts awarded where the contract value is \$10,000 or more on AusTender, the government's tender and procurement reporting system. From 3 September 2007, departments and agencies have been required to include on AusTender details of those contracts which are consultancies and the reason for the consultancy. The information sought by the honourable Senator in relation to consultancies valued at \$10,000 or more will therefore be available on the AusTender website (www.tenders.gov.au). Details of consultancies over \$10,000 in the relevant period are listed in the Australian Trade Commission Annual Report of 2007–08 (page 76) and 2008–09 (page 87). To provide details of consultancies and contracts awarded valued at less than \$10,000 would entail a significant diversion of resources and, in these circumstances, I do not consider the additional work can be justified.
- B. Refer to response to question A.
- C. Yes.
- D. Nineteen consultancy contracts over the value of \$10,000 have been entered into during FY 2009–10. They were not included in the FY2009–10 Annual Procurement Plan as the need for these services was not known at the time of its publication of the Annual Procurement Plan. These 19 contracts are listed on the AusTender website.

AusAID

- A & B. This information can be derived from the Government's tenders and contracts website, AusTender. All contracts (including consultancies) over \$10,000 are listed on AusTender and include details of subject matter, duration, total contract value and procurement method.
- C. AusAID is up to date with its reporting requirements on AusTender. In accordance with Department of Finance and Deregulation directions, contracts with a value of over \$10,000 are published within six weeks of entering into the arrangement.
- The figures provided by AusAID to AusTender are as accurate as possible.
- D. The AusAID Annual Procurement Plan for Financial Year 2009-10 has been published on AusTender. The Annual Procurement Plan for Financial Year 2010-2011 was published in July 2010. The Plan contains a list of the Agency's planned covered procurements for the financial year. Procurement's below the Agency's thresholds for covered procurements will not be listed in the Plan.

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Export Finance and Insurance Corporation (EFIC)

- A. As at 20 August 2010 EFIC has entered into sixteen consultancy contracts over the value of \$10,000 since November 2007. To provide details of consultancies valued at less than \$10,000 would entail a significant diversion of resources and, in these circumstances, I do not consider the additional work can be justified.

Details of consultancies valued at more than \$10,000 are provided in the following table:

Consultancies

Consultant	Subject matter	Terms of reference	Duration	Cost AUD	Method (open/direct)	Completed
Commercial Account						
Australian Government Solicitors	Powers and functions of EFIC	Legal advice	March 2008 - June 2009	20,331.00	Direct	Complete
Blake Dawson	General legal advice not relating to litigation	Legal advice	November 08 - June 2009	34,635.00	Direct	Complete
Freehills	General Legal advice not relating to litigation	Legal advice	June 2010	11,000.00	Direct	Complete
JP Media Law	Loan documentation advice not relating to litigation	Legal advice	April – May 2010	10,072.00	Direct	Complete
Malleson Stephen Jacques	General Legal advice not relating to litigation	Legal advice	July 2010	20,350.00	Direct	Complete
Creative leadership Pty Ltd	Audit	Assessment & review of internal committee	May-August 2008	17,600.00	Direct	Complete
Gildodri Pty Ltd	Trade finance advice service	Systems design & implementation	August – September 2009	34,650.00	Direct	Complete
Net Balance Management Group Pty Ltd	Corporate Social Responsibility (CSR), Sustainability	Review of CSR /sustainability approach including peer review	January – April 2009	11,440.00	Direct	Complete
Price Waterhouse Coopers	Fraud awareness training	Develop & implement online training course	December 2007 - February 2008	18,425.00	Direct	Complete
Serendis	Executive Coaching	Executive coaching interview program	2007-2010	79,695.00	Direct	Ongoing
Toppesfield Pty Ltd	Trade finance advice	Business Analysis	July –December 2009	89,100.00	Direct	Complete

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National Interest Account						
Blake Dawson	FOI Scott Hickie	Legal advice	November 2008	13,965.00	Direct	Complete
Blake Dawson	AWB Policy Advice	Legal advice	April 2008	17,600.00	Direct	Complete
Blake Dawson	Australian Solomons Gold Ltd	Legal advice	October 2008	17,123.00	Direct	Complete
Australian Govt. Solicitor	GM Holden	Legal advice	June 2009 – August 2009	16,905.00	Direct	Complete
Sol Law Trust	Professional Cost from N/A Account	Legal advice	December 2008	23,962.00	Direct	Complete

B.

Total value for all consultancies as at 20 August 2010, since November 2007: \$436,853.00

Total value for all consultancies for FY 2008/09: \$190,714.00

Total value for all consultancies for FY 2009/10: \$164,959.00

Total value for all consultancies for FYTD 2010/11: \$20,350.00

C. Yes.

Yes.

D. In terms of reporting requirements for CAC Act bodies under the Government Procurement Guidelines EFIC has no further consultancies planned for this calendar year.

Australian Centre for International Agricultural Research (ACIAR)

A. All agencies subject to the Financial Management and Accountability Act 1997 are required to report Australian procurement contracts awarded where the contract value is \$10,000 or more on AusTender, the government's tender and procurement reporting system. From 3 September 2007, departments and agencies have been required to include on AusTender details of those contracts which are consultancies and the reason for the consultancy. The information sought by the honourable Senator in relation to consultancies valued at \$10,000 or more will therefore be available on the AusTender website (www.tenders.gov.au). Details of consultancies over \$10,000 in the relevant period are also listed in the ACIAR Annual Report of 2007–08 (page 199) and 2008–09 (page 214). Details of consultancies over \$10,000 for the 2009-2010 financial year will be listed in the annual report for that period, which will be tabled in Parliament by the due date. To provide details of consultancies and contracts awarded valued at less than \$10,000 would entail a significant diversion of resources and, in these circumstances, I do not consider the additional work can be justified.

B. Refer to response to question A.

C. Yes.

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- D. ACIAR's Annual Procurement Plans for the 2009-10 and 2010-11 Financial Years are published on the AusTender website and are available at www.tenders.gov.au.

Question 18

Portfolio Overview

Topic: FOI requests

Question in writing

Senator Barnett asked:

- A. Has the Department/agency received any advice from the Government or any other source on how to respond to FOI requests?
- B. How many FOI requests has the Department received since November 2007 to the end of this financial year?
- C. How many have been granted or denied since November 2007 to the end of this financial year?
- D. How many conclusive certificates have been issued in relation to FOI requests since November 2007 to the end of this financial year?

Answer (as at 20 August 2010)

Department of Foreign Affairs and Trade

- A. Ministers have no part in decisions made in individual FOI requests, and the Department does not seek guidance from Ministers when responding to FOI requests. FOI Guidelines are issued by the Department of Prime Minister and Cabinet, available online at www.dpmc.gov.au/foi/guidelines.cfm. DFAT refers to this resource when responding to FOI requests.

On 30 April 2009, former Secretary L'Estrange received a letter from the then-Special Minister of State, Senator John Faulkner, regarding the government's proposed FOI reforms.

DFAT receives legal advice from time to time from AGS on FOI matters. DFAT also consults and liaises with other agencies on best practice and policy for FOI matters, including with the Information Commissioner designate's Office. The Department has received briefings from the Information Commissioner designate.

- B. DFAT FOI statistics (available online in the DFAT Annual Report at http://www.dfat.gov.au/dept/annual_reports/index.html) are by financial year. For the 2007-08, 2008-09 and 2009-10 financial years, DFAT received 275 FOI requests.
- C. DFAT FOI statistics (available online in the DFAT Annual Report at http://www.dfat.gov.au/dept/annual_reports/index.html) are by financial year. For the 2007-08, 2008-09 and 2009-10 financial years, DFAT granted 165 FOI requests in full

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or part, and refused 29 requests. An additional 73 requests were transferred to other agencies or withdrawn by the applicant.

D. None.

Austrade

- A. Austrade does not seek any guidance from Ministers when responding to FOI requests. FOI Guidelines are issued by the Department of the Prime Minister and Cabinet and are available online at www.dPMC.gov.au/foi/guidelines.cfm. Austrade refers to this resource when responding to FOI requests. Austrade has also sought advice from the Australian Government Solicitor on the application of the *Freedom of Information Act 1982*.
- B. Twenty.
- C. For the period from November 2007 to the end of this financial year, Austrade granted five requests in full, nine requests were granted in part, two requests were refused, three requests were withdrawn and one request remains outstanding.
- D. None.

AusAID

- A. Yes. On 30 April 2009, the Director General of AusAID received a letter from the then-Special Minister of State, Senator the Hon John Faulkner, regarding the proposed FOI reforms. On 10 June 2010, the Attorney-General's Department forwarded Admin Review No. 59 May 2010 to AusAID regarding the FOI process. On 30 June 2010, at AusAID's request, the Australian Government Solicitor (AGS) gave a presentation to AusAID's Executive team on the FOI reforms.

In addition, AusAID seeks FOI advice from AGS on specific FOI applications.

- B. Fifteen.
- C. AusAID has received fifteen FOI applications since November 2007. Of this number, one FOI application captured exempt documents which were not released to the applicant, one FOI application requested documents which were found not to exist, four FOI applications were withdrawn by the applicants, eight FOI applications resulted in either full or partial release of documentation to the applicants, and one FOI application is currently being processed.
- D. None.

Export Finance and Insurance Corporation (EFIC)

- A. EFIC does not seek any guidance from Ministers when responding to FOI requests. FOI Guidelines are issued by the Department of the Prime Minister and Cabinet and are available online at www.dPMC.gov.au/foi/guidelines.cfm. EFIC refers to this resource when responding to FOI requests. Where necessary, EFIC seeks advice from the Australian Government Solicitor and private legal advisors on the application of the *Freedom of Information Act 1982*.
- B. From November 2007 to 30 June 2010, two new FOI applications were received.

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- C. From November 2007 to 30 June 2010, four requests were denied (including two applications on hand at the beginning of the period). All four were taken to internal review, of which one was refused and three resulted in greater access being given (although access granted was not in full).
- D. None.

Australian Centre for International Agricultural Research (ACIAR)

- A. In considering FOI requests, ACIAR follows the *Freedom of Information Act 1982* and the Guidelines issued by the Department of Prime Minister and Cabinet (PM&C) to all Commonwealth agencies.

On 30 April 2009, ACIAR also received a letter from the then Special Minister of State, Senator the Hon John Faulkner, outlining proposed reforms to the FOI Act and requesting agencies “embrace the disposition towards disclosure which informs the FOI Act reforms”.

- B. Nil requests to date.
- C. Not applicable.
- D. None.

Question 19

Portfolio Overview

Topic: Government advertising

Question in writing

Senator Barnett asked:

- A. What communications programs has the Department/Agency undertaken since Additional Estimates and what communications programs are planned to be undertaken?
- B. For each program, what is the total spend? A breakdown of how much is spent/is planned to be spent on each program/initiative should be provided.

(By ‘communications programs’ it is meant communication of a government message to the public—possibly by advertising (print, television etc), possibly through the erection of signs, plaques etc, or through other mediums.

The recent (current) Government TV advertising campaign on health reform and specific health initiatives are examples. BER signage is an example and advertising on the Government’s proposed new tax system would be another example).

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Answer (as at 20 August 2010)

Department of Foreign Affairs and Trade

- A. The only communications advertising campaign run by the Department of Foreign Affairs and Trade (DFAT) is the Smartraveller campaign. This is an on-going campaign that commenced in 2003 to inform Australians how they can minimise risks and avoid difficulties while overseas.
- B. The Department has been funded since 2003 to run the Smartraveller campaign. The initial funding was from 2003-04 to 2005-06 and total expenditure was \$9,734,174. In the 2006-07 Budget, funding of \$13.1 million was provided for 2006-07 to 2009-10. Up until June 2010, \$13.153 million of this funding had been spent. Further funding of \$13.6 million was provided for the next four years in the 2010-11 Budget to continue the Smartraveller Campaign.

Austrade

- A. The Australian Trade Commission (Austrade) administers the Export Market Development Grants (EMDG) Scheme. Advertising for applications for the grant scheme from 1 July 2010 took place during June 2010. Further activity is planned for June 2011 subject to available funding, which will invite applications from 1 July 2011.

The ASEAN, Australia and New Zealand Free Trade Agreement (AANZFTA) came into effect on 1 January 2010. Austrade is promoting the benefits and opportunities of this agreement to the Australian business community.

Austrade manages the Australian Export Awards (AEA) program, which recognises and rewards Australian Exporters. Advertising is planned to announce the National Winners of the 2010 Australian Export Awards in November 2010. Further advertising will occur in 2011 for applications for the 2011 program.

Austrade manages the Building Brand Australia Program. The Program is a four year program which commenced in 2009–10. No advertising activity has been undertaken.

- B. EMDG spent \$80,000 in 2009-10 on media placements in print advertising and online news outlets. The advertisements advise applicants that the 2009-10 grant year will open on 1 July 2010.

To promote the AANZFTA to Australian businesses, Austrade spent \$46,440 in 2009-10 on media placements in print across business journals and online equivalents.

Austrade spent \$8,433 to announce applications were open for the 2010 AEA program. Communications to announce the National Winners for 2010 are budgeted at \$25,000. Communications to seek applications for the 2011 program are budgeted at \$35,000.

AusAID

- A. **Blueprint for a Better World: The MDGs and You** is multimedia exhibition that gives a practical face to the eight Millennium Development Goals (MDGs). This highlights how Caritas Australia and its community partners—supported by the Australian public and the Australian government through AusAID—are engaged in the challenge of tackling poverty for the world's poorest. The project aims to increase

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public awareness about the contribution of Australian NGOs and the Australian Government in assisting communities to overcome poverty. The Blueprint for a Better World: MDGs and You touring exhibition has travelled to the following locations:

QLD: Brisbane – Toowoomba – Townsville – Rockhampton – Cairns

ACT: Canberra

SA: Port Pirie – Adelaide

VIC: Melbourne – Ballarat – Bendigo – Wangaratta

TAS: Hobart

WA: Perth – Geraldton – Bunbury

NSW: Lismore– Bathurst – Newcastle – Wollongong – Parramatta, Sydney city.

UNIFEM Australia sponsorship for International Women’s Day: This partnership with UNIFEM Australia helped facilitate International Women’s Day events in Melbourne, Sydney, Canberra, Adelaide and Brisbane, and supported smaller events in regional areas. The events aimed to raise awareness of human rights issues, economic security and political participation in the context of gender and development. UNIFEM sought to develop the capacity of local communities, school groups, local governments and national organisations and partners to celebrate International Women’s Day, recognising the contributions being made by women across the world. It also sought to raise funds for UNIFEM projects in the region, and to showcase the work of UNIFEM, AusAID and other Government Agencies and NGOs in promoting gender equality.

Prime Project: AusAID is filming and producing a six-part television series for Prime Television which will showcase people from regional Australia involved in aid delivery internationally. The aim of the series is to broaden public knowledge of Australia’s aid programs. The program will feature Australians working for non government organisations, volunteers and AusAID staff.

One Just World is a national series of after-work forums focusing on global poverty and development. The initiative is a partnership between AusAID, the International Women’s Development Agency, World Vision Australia, and universities in each city. It aims to engage audiences and the community on global development issues.

B. The total value of the Blueprint for a Better World: The MDGs and You exhibition is \$507,745.00 (2009-10 and 2010-11).

The Total cost of the UNIFEM Australia sponsorship for International Women’s Day is \$65,500 (2009-10).

Total value of the Prime Project is \$750,000 (2010-11 and 2011-12). Expenditure to date is approximately \$147,000.

The total value of the One Just World program is \$440,000 (2008-09 and 2009-10).

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Export Finance and Insurance Corporation (EFIC)

A. Throughout FY09-10 EFIC ran an ongoing print and online advertising campaign designed to increase awareness within the Australian exporter community of our services and relevance to exporters encountering financial barriers to growth. EFIC plans to run an updated version of this campaign throughout FY10-11.

EFIC has not been involved in any communication of a government message to the public.

B. The total cost of EFIC advertising creative design and placement in FY09-10 was \$480,905. The budget for FY10-11 is \$550,000.

Australian Centre for International Agricultural Research (ACIAR)

A. Nil

B. Not applicable

Question 20

Portfolio Overview

Topic: Government payment of accounts

Question in writing

Senator Barnett asked:

A. Has the portfolio/agency paid its accounts to contractors/consultants etc in accordance with Government policy in terms of time for payment (i.e. within 30 days)? If not, why not, and what has been the timeframe for payment of accounts? please provide a breakdown, average statistics etc as appropriate to give insight into how this issue is being approached.)

B. For accounts not paid within 30 days, is interest being paid on overdue amounts and if so how much has been paid by the portfolio/department agency for the current financial year and the previous financial year?

C. Where interest is being paid, what rate of interest is being paid and how is this rate determined?

Answer (as at 20 August 2010)

Department of Foreign Affairs and Trade

A During FY2008-09, the department made 6,543 payments to small businesses
: of these payments, 6,207 (94.86%) were paid within 30 days
: of the 336 (5.14%) payments made after 30 days, 152 (2.32%) were paid within 31-44 days, 96 (1.47%) within 45-60 days and 88 (1.34%) over 60 days.

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Late payment of small business invoices tends to result from circumstances including:

- : incorrect addressing of invoices by suppliers;
- : invoices issued before goods/services are fully delivered; and,
- : unavoidable delivery/process delays when the DFAT overseas network utilises Australian small businesses.

B No interest payments were sought by small business during FY2009-10, or FY2010-11 at this stage.

C Not applicable.

Austrade

A. The Australian Trade Commission's terms of payment policy is in line with Government policy of payment within 30 days of receipt of a correctly rendered invoice or within a shorter period if specified in the associated contract. However, instances do occur where payments are not made within the specified period, primarily due to the need for clarification from service providers, disputes about the deliverables and in some cases, oversights in not pushing invoices through to accounts areas for payment.

During FY2009-10, the Commission made 3,752 payments to small businesses

- of these payments, 3,513 (93.63%) – valued at \$16,601,201 (94.59% of invoice value) – were paid within 30 days

- of the 239 (6.37%) payments made after 30 days, 133 (3.54%) were paid within 31-44 days, 57 (1.36%) within 45-60 days and 55 (1.47%) not within 60 days.

Adherence to the policy is monitored through internal reviews by Regional Managers, Finance and Administration and Internal Audit. In addition, quarterly reports of late payments are produced and sent to Cost Centre Managers with a request for explanations of the late payments and a reminder of the payment policy.

B. All of the Australian Trade Commission's contract templates include a late payment clause which provides for the payment of penalty interest where the amount of interest exceeds \$10 and the supplier has issued a correctly rendered invoice in relation to the interest. No supplier has issued an invoice in relation to penalty interest in either this, or the previous, financial year.

C. Not applicable.

AusAID

A. Yes, AusAID has paid its accounts in accordance with the Government policy. For small businesses, Government policy requires that 90 per cent of payments to small businesses must be paid within 30 days. AusAID paid approximately 98.5 per cent of payments to small business within 30 days.

B & C. Interest is payable where the payment is to a small business and the payment term exceeds 30 days. There was one instance of interest on late payment being requested by small business this financial year. The amount of interest paid in this instance was \$36.50.

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The calculation of interest is based on the Department of Finance and Deregulation Circular 2008/10 'Procurement 30 Day Payment policy for Small Business'.

Export Finance and Insurance Corporation (EFIC)

- A. Yes. EFIC's policy is to make payments three times a month.
- B. Not applicable.
- C. Not applicable.

Australian Centre for International Agricultural Research (ACIAR)

- A. Yes, ACIAR has paid its accounts to contractors/consultants etc in accordance with Government policy in terms of time for payment (i.e. within 30 days).
- B. Not applicable.
- C. Not applicable.

Question 21

Portfolio Overview

Topic: Grants

Question in writing

Senator Barnett asked:

Has the Department complied with interim requirements relating to publication of discretionary grants?

Answer (as at 20 August 2010)

Department of Foreign Affairs and Trade

The department is complying with the Commonwealth Grant Guidelines. There were six instances, between 23 February 2010 and 20 August 2010, when it took longer than the mandated number of days for grant details to be posted to the department's website. These will be reported in the Chief Executive's Certificate of Compliance to the Portfolio Minister.

Austrade

Export Market Development Grants (EMDG) are not discretionary grants and therefore these requirements do not apply to the EMDG scheme. The requirements relating to the publication of the details of grants under the EMDG scheme are contained in the *Export Market Development Grants Act* and Austrade complies with these requirements.

AusAID

AusAID is exempt from the Commonwealth Grant Guidelines, including the publication requirements.

All payments made by AusAID are considered Official Development Assistance (ODA). ODA payments have historically been exempt from discretionary grant reporting (since 1999)

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on the basis that development aid funding targets international communities and governments, whereas grants typically target domestic recipients. Further, the OECD Development Assistance Committee provides a sound governance and reporting framework for all ODA eligible payments for its member countries, of which Australia has been a member since 1966.

As the main administrator of ODA eligible payments, AusAID meets all reporting requirements of the OECD DAC, and incorporates information in this reporting from other government agencies that have ODA eligible programs.

Even though AusAID is exempt from the Commonwealth Grants Guidelines (CGGs) AusAID complies with the key principles for grants administration in the Guidelines. AusAID also provides extensive information on its website regarding the aid program, including the value of the aid program by country and sector, development partners and small grant scheme recipients.

Export Finance and Insurance Corporation (EFIC)

Not applicable.

Australian Centre for International Agricultural Research (ACIAR)

Yes, ACIAR has complied with interim requirements relating to publication of discretionary grants.

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Question 22

Portfolio Overview

Topic: Hospitality

Question in writing

Senator Barnett asked:

- A. What is the hospitality spend FYTD for the department and agency?
- B. Please detail date, location, purpose and cost of all events.
- C. For each Minister/ Parliamentary Secretary's office, please detail total hospitality spend FYTD.
- D. Please detail date, location, purpose and cost of each event.

Answer (as at 20 August 2010)

Department of Foreign Affairs and Trade

A & C. For the financial year 2009-10, the department spent \$5.6 million in Australia and overseas. Portfolio-related expenditure relating to the ministers'/parliamentary secretaries' offices is integral to the operations of the department and is incorporated within total departmental hospitality expenditure. Questions on hospitality-related costs in relation to ministers' and parliamentary secretaries' offices, which are not portfolio-related, are the responsibility of the Department of Finance and Deregulation.

B & D. Hospitality has an important facilitative role in the support of the Department's objectives of advancing Australia's foreign and trade policy interests. The Department has long-established instructions on the proper management of hospitality funds. For expenditure to be admissible, activities must be clearly warranted and be of specific value to Australia. All staff are required to account fully and justify their use of the funds. They must maintain written records of purpose, attendees, venue and final costs of each item of expenditure and certify that the criteria for expenditure have been met. There are several thousand records year-to-date. To provide hospitality expenditure by date, location, purpose and cost of each event would entail a significant diversion of resources and, in these circumstances, I do not consider the additional work can be justified.

Austrade

- A. As at 30 June year-to-date 2009–10, the Australian Trade Commission spent a total of \$0.78 million at posts and in Australia on hospitality for Australian clients, overseas customers and potential customers of Australian companies, and others external to the Commission. The expenditure includes major events such as the Australian Export Awards and Business Club Australia functions.
- B. Hospitality has an important facilitative role in the support of the Commission's objectives of advancing Australia's trade and investment interests. The Commission has long-established instructions on the proper management of hospitality funds. For expenditure to be admissible under the guidelines, activities must be clearly warranted

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and be of specific value to Australia. All staff are required to account fully and justify their use of the funds. They must maintain written records of purpose, attendees, venue and final costs of each item of expenditure and certify that the criteria for expenditure have been met. There are several thousand records year-to-date. To provide hospitality expenditure by date, location, purpose and cost of each event would entail a significant diversion of resources and, in these circumstances, I do not consider the additional work can be justified.

- C. and D. Questions relating to expenditure by ministerial and parliamentary secretary offices should be referred to the Department of Finance and Deregulation.

AusAID

- A. AusAID has spent \$202,750 on official hospitality and overseas representation events from 1 July 2009 to 31 May 2010.
- B. Hospitality has an important facilitative role in the support of the objectives of Australia's aid program. AusAID has long-established procedures for the proper management of hospitality funds. All staff are required to account fully and justify their use of funds and maintain written records.

Records of hospitality expenditure are maintained on individual files in a number of AusAID office locations, in Australia and overseas. It would be administratively costly and time consuming to compile a list of all hospitality. The large hospitality events have been detailed in Attachment A. A materiality threshold of \$1,000 has been applied.

- C. Portfolio-related hospitality for Parliamentary Secretary McMullan is included in Attachment A. Non portfolio-related hospitality incurred by Parliamentary Secretary McMullan would be managed by Department of Finance and Deregulation.
- D. See Attachment A.

Export Finance and Insurance Corporation (EFIC)

- A. As at 30 June year-to-date 2009–10, EFIC spent a total of \$65,821.00 on hospitality for Australian clients, potential clients, financial institutions, and others external to the Corporation.
- B. Hospitality has an important relationship building role in the support of EFIC's objective of supporting Australian companies with finance for their export businesses. EFIC is a self-funded corporation and has well-established policies on the proper management of hospitality expenses. All staff are required to account fully and justify their use of funds for hospitality purposes. They must maintain written records of purpose, attendees, venue and final costs of each item of expenditure and certify that the criteria for expenditure have been met. There is a significant amount of records year-to-date. Hospitality events above a materiality threshold of \$1,000 are provided in the table below:

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Large hospitality events over \$1,000			
Date	Location	Purpose	Cost
19/04/2009	Melbourne	Committee for Economic development of Australia (CEDA) lunch	\$1,397.00
04/08/2009	Sydney	Japanese Bank for international Cooperation (JBIC) Delegation dinner	\$1002.00
17/09/2009	Sydney	European Australian Business Council (EABC) Boardroom forum and lunch	\$1,439.00
14/12/2009	Sydney	Annual Christmas function for alliance partners	\$8,351.00
16/03/2010	Canberra	Board dinner with Government representatives	\$1,160.00
17/03/2010	Canberra	Board lunch with Government representatives	\$1,021.00

C. & D. Questions relating to expenditure by ministerial and parliamentary secretary offices should be referred to the Department of Finance and Deregulation.

Australian Centre for International Agricultural Research (ACIAR)

- A. ACIAR has spent \$5,893 on official hospitality and overseas representation events from 1 July 2009 to 30 June 2010.
- B. Hospitality has an important role in maintaining relationships in the support of ACIAR's objectives relating to the Australian aid program. ACIAR has long-established instructions on the proper management of hospitality funds. For expenditure to be admissible under the guidelines, activities must be clearly warranted and be of specific value to Australia. All staff are required to account fully and justify their use of the funds. They must maintain written records of purpose, attendees, venue and final costs of each item of expenditure and certify that the criteria for expenditure have been met.

Date	Location	Purpose	Cost
23/10/2009	Canberra	Farewell dinner for CEO	\$1,503
23/12/2009	Vietnam office	Dinner - Scholarship Fund	\$121
04/03/2010	Vietnam office	Visitors - Lunch lunar festival	\$261
19/04/2010	Indonesia office	CEO Visit dinner with high level government partners	\$1,507
28/04/2010	Vietnam office	Dinner - Livestock group	\$301
17/05/2010	Indonesia office	Dinner - Fisheries Consultations	\$1,964
17/06/2010	Indonesia office	Lunch - Former fellowship Students	\$236
Total			\$5,893

C. Not applicable.

D. Not applicable.

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Question 23

Portfolio Overview

Topic: Reviews

Question in writing

Senator Barnett asked:

- A. What is the total number of Reviews *both completed and ongoing* in the portfolio/agency or affecting the portfolio agency since November 2007?
- B. Please provide a breakdown of reviews completed since the government came to office (only those commenced after the current government came to office) including
- i. when those reviews were provided to Government,
 - ii. estimated cost of producing each review (and total cost) and
 - iii. if the Government has responded to the review or information about when the Government has indicated it will/will not respond to the review.
- C. How many reviews are ongoing?
- D. How many reviews have been completed since additional estimates?
- E. What further reviews are planned in the portfolio/agency?

Answer (as at 20 August 2010)

Department of Foreign Affairs and Trade (DFAT)

- A. Six.
- B.

Review of the Australian Government's Use of ICT (Gershon Review). This was a whole-of-government review applying to all Commonwealth Government agencies.

- i. August 2008.
- ii. For DFAT, the cost of the review consisted of staffing costs only and is the fulltime equivalent of 1 SES Band and 1 APS 6, each for 12 months.
- ii. The Government responded to the review in November 2008 and its outcomes have been incorporated into the ICT Reform Program which is ongoing.

Mortimer Review.

- i. September 2008.
- ii. The total cost of the Mortimer Review (including the report's publication) was \$394,611. The Panel was supported by the Review Secretariat, made up of 11 staff: 5 x DFAT, 4 x Austrade, 1 x DAFF and 1 x DRET. The DFAT component was: 1 x SES Band 2, 2 x BB4, 1 x BB3 and 1 x BB2.

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- iii. The Government has not formally responded to the Mortimer Review but has taken action on many of the key issues raised by Mortimer.

Independent review of the department's consular services and information.

- i. The report was provided to the Government in June 2010.
- ii. Total cost of the review is expected to be \$19,000.
- iii. The Government has not yet responded.

Independent review of the government's handling of Nigel Brennan's kidnapping in Somalia.

- i. The report was provided to the Government on 16 June 2010.
- ii. Total cost of the review is expected to be \$66,000.
- iii. The Government has not yet responded to the report.

Performance Review of the Australia Network.

- i. The report was provided to the Government on 5 July 2010.
- ii. Total cost of the review was \$62,645, along with staffing costs for 1x SES Band 1 for two months.
- iii. The Government is not expected to respond, as the report is a contractual management tool.

C. One.

D. One.

E. Nil.

Australian Centre for Agricultural Research (ACIAR)

A. to E. Nil.

Export Finance and Insurance Corporation (EFIC)

A. to E. Nil.

Austrade

A. One.

B. The Review of Export Policies and Programs (the Mortimer Review).

i. September 2008

ii. Estimated cost of the Mortimer Review was \$394,611

iii. There has not been an official response to the Mortimer Review by the Government. However, the Government acted on many of its recommendations including renewed funding for Export Market Development Grants (EMDG); a focus on priority sectors for Austrade; establishing the Building Brand Australia program and establishment of a Ministerial Council on International Trade.

C. Nil.

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D. Nil.

E. Nil.

AusAID

A. One.

B. The Development Assistance Committee Peer Review of Australia.

i. 4 February 2009.

ii. The review was undertaken with a nil cost to AusAID.

iii. No formal written response from the Government was required, however the Australian Government is committed to the implementation of the Millennium Development Goals.

C. Nil.

D. Nil.

E. Nil.

Question 24

Portfolio Overview

Topic: Staffing

Question in writing

Senator Barnett asked:

A. How many permanent staff recruited since Additional Estimates (February 2010)?

B. What level are these staff?

C. How many temporary positions exist or have been created since Additional Estimates?

D. Since Additional Estimates, how many employees have been employed on contract and what is the average length of their employment?

Answer (as at 20 August 2010)

Department of Foreign Affairs and Trade

A. Since 25 February 2010 and as at 20 August 2010, 95 Australia-based staff were recruited to the Department on a “full-time equivalent” (FTE) basis.

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B.

Level	Number
Cadet	1
BB1/2	36
AP6/EL1	50
EL2	5
SES	3
TOTAL	95

C. As at 20 August 2010 we have 102 non-ongoing employees in the Department.

D. Since Additional Estimates (February 2010) and as at 20 August 2010 there have been 86 new non-ongoing contracts comprising 39 new hires and 47 re-hires. The average length of a non-ongoing contract is six months.

Austrade

A. Since 25 February 2010, and as at 20 August 2010, 30 permanent staff have been recruited to Austrade.

B.

Level	Number
APS3	1
APS4	1
APS5	2
APS6	4
EL1	12
EL2	7
SES1	3
TOTAL	30

C. 11 temporary positions have been created since additional estimates.

D. Since additional estimates, 20 non-ongoing employees have commenced. The average length of a non-ongoing contract is nine months.

AusAID

A. There were 41 permanent (ongoing) staff recruited since Additional Estimates.

B. A breakdown of classifications of these staff is included in the table below:

Level	Number
Cadet	0
APS1-5	12
APS6/EL1	21
EL2	4
SES	4
TOTAL	41

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- C. 11 temporary (non-ongoing) positions were created since Additional Estimates.
- D. AusAID has employed 29 new non-ongoing staff since Additional Estimates. The average employment period is 10 months.

Export Finance and Insurance Corporation (EFIC)

- A. Five permanent staff have been recruited since Additional Estimates (February 2010).
- B. Four senior technical specialists and one professional employee. EFIC does not classify staff according to the APS classifications.
- C. Two temporary positions exist or have been created since Additional Estimates (February 2010).
- D. Since Additional Estimates (February 2010) two employees have been employed on temporary contract and the average length of contract is 8 to 12 months.

Australian Centre for International Agricultural Research (ACIAR)

- A. Since Additional Estimates, 4 permanent APS employees have been recruited.
- B.

Level	Number
Cadet	0
APS1-5	0
APS6/EL1	3
EL2	1
SES	0
TOTAL	4

- C. ACIAR have a total of 17 non-ongoing employees in the agency.
- D. Since Additional Estimates, there have been four new non-ongoing contracts comprising three new hires and one re-hire. The median length of a non-ongoing contract is 12 months.

Question 25

Portfolio Overview

Topic: Staffing—efficiency dividends/budget cuts

Question in writing

Senator Barnett asked:

- A. Have staffing numbers been reduced as a result of the efficiency dividend and/or other budget cuts?
 - i. Since the efficiency dividend was introduced?

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ii. Since Additional Estimates?

If so, where and at what level?

- B. Are there any plans for staff reduction? If so, please advise details, i.e. Reduction target, how this will be achieved, services/programs to be cut etc.
- C. If your department/agency has been identified in the budget as delivering further efficiencies (savings), how will these be delivered? (for example, if the budget papers say ‘improvement to strategic work practices’ or similar, what are these and how will they be delivered?)
- D. What changes are underway or planned for graduate recruitment, cadetships or similar programs? If reductions or increases are envisaged please explain including reasons, target numbers etc.

Answer (as at 20 August 2010)

Department of Foreign Affairs and Trade

- A. i. The efficiency dividend was introduced more than 15 years ago and it is not possible to identify specific positions or staff reductions directly associated with it over that time. Together with policy changes of Government it has been a contributing factor to staff changes.

ii. There have been no further reductions in staffing numbers since those announced in the 2009-10 Additional Estimates.
- B. There are no current plans for net staff reduction.
- C. Not applicable.
- D. Since 2006, the department has engaged, on average, 37.3 policy graduates, 7.6 corporate graduates and 2 cadets each year. We do not envisage any major changes to these numbers in the coming year.

Austrade

- A. i. The efficiency dividend was introduced more than 15 years ago and it is not possible to identify specific positions or staff reductions directly associated with it over that time. Together with policy changes of Government it has been a contributing factor to staff changes.

ii. There have been no further reductions in staffing numbers since those announced in the 2009–10 Additional Estimates.
- B. The 2010–11 Portfolio Budget Statements show a net increase in average staffing levels between 2009–10 and 2010–11 of 32 staff, largely reflecting the transfer to Austrade of responsibility for the international promotion of education.
- C. There were no savings measures identified in the 2010–2011 Budget relating to Austrade.
- D. Austrade does not currently have a graduate recruitment/cadetship program. We are currently considering a future graduate program that would have a small number of

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graduates, however no targets have been set. Austrade has an indigenous cadet program which currently employs one cadet. No changes are planned to this program.

AusAID

- A. Nil Reductions.
- B. Not Applicable.
- C. No current plans for staff reduction.
- D. Not Applicable.
- E. AusAID will increase graduate recruitment by 5 positions (from 20 to 25) for the 2011 Graduate program. This increase reflects the introduction of a Corporate Graduate Program and a commitment to ensure that at least 2 Indigenous Graduates are recruited each year. The aim of the Corporate Program is to recruit people with specialist skills for the Corporate Enabling areas of the Agency and to provide staff who are equipped to perform corporate functions at Post and in Canberra.

Export Finance and Insurance Corporation (EFIC)

- A. Not applicable to EFIC.
- B. No plans for staff reduction in the current calendar year.
- C. Not applicable to EFIC.
- D. No changes underway. Recruitment program continues to be based on a business need basis.

Australian Centre for International Agricultural Research (ACIAR)

- A. Staff numbers have not been reduced as a result of the efficiency dividend and/or other budget cuts.
- B. There are no plans for staff reduction.
- C. Not applicable.
- D. ACIAR has no formal graduate recruitment, cadetship or similar program. ACIAR currently provides a 12-month work experience to an agricultural science graduate and works with DFAT by offering secondment or rotational experiences for graduates. It proposes to offer two such positions per year.

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Question 26

Program 1.1

Topic: Articles in foreign newspapers

Question in writing

Senator Abetz asked:

- A. Does DFAT place or seek to place articles in foreign newspapers on behalf of the Prime Minister?
- B. How many, where and when? Provide a comprehensive and detailed list including publications, articles, country, date, cost etc.
- C. Do DFAT assist in the writing and /or content of these articles?
- D. If DFAT provides assistance—where in the Department is this assistance coming from? What area? How many staff? What level of staff? Please provide names and details and salary of those staff.

Answer (as at 20 August 2010)

- A. From time to time, Australian Embassies and High Commissions overseas have assisted the Department of the Prime Minister and Cabinet with the placement of articles by the Prime Minister in foreign newspapers.
- B. DFAT assisted with the placement of the following opinion pieces in international publications between May 2009 and May 2010. In some cases, the Australian Embassies and High Commissions overseas translated the opinion piece into the local language and/or negotiated editorial changes between the newspaper editor and the Department of the Prime Minister and the Cabinet.

OP ED: “A NEW SINOLOGY”

Request from PM&C issued: 26 April 2010

Country	Publication	Status
Argentina	Buenos Aires Herald	Published 9 May
Austria	Die Presse	Published 5 May
Brazil	Estado de Sao Paulo	Published 23 May
Brunei	Brunei Times	Op-ed drawn on as basis for opinion article by Chief Editor on 29 April
Cambodia	Phnom Penh Post	Published 17 May

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Country	Publication	Status
	Koh Santepheap	Published 15/16 May
Canada	The Globe and Mail	Published 5 May
China	China Reform Magazine	Published in June edition
France	Le Monde	Published 7 May (online edition)
Germany	Frankfurter Allgemeine Zeitung	Published 3 May
Hong Kong China	The Wall Street Journal Asia	Published 28 April
	Hong Kong Economic Journal	Published 4 May
India	Times of India	Published 4 May
Indonesia	The Jakarta Globe	Published 28 April
Italy	Tribuna Economica	Published 17 May
Japan	Asahi Shimbun	Published 7 May
	Amazon Kindle (edition of Asahi Shimbun)	Published 8 May
	International Herald Tribune (Japan edition)	Published 8 May
Malaysia	New Straits Times	Published 29 April
Mexico	Excelsior	Published 9 May
New Zealand	National Business Review	Published 7 May
Philippines	Business Mirror	Published 29 April
Russia	Kommersant (online)	Published 12 May
	Moscow Times	Published 18 May
Singapore	The Straits Times	Published 28 April
South Africa	Cape Argus	Published 28 April

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Country	Publication	Status
Turkey	Zaman Daily	Published 4 May
	Today's Zaman	Published 4 May
Vietnam	Vietnam and the World (Ministry of Foreign Affairs' on-line journal)	Published 26 May

OP ED: "AUSTRALIA AND INDONESIA: A PARTNERSHIP FOR THE 21ST CENTURY"

Request from PM&C issued: 18 February 2010

Country	Publication	Status
Indonesia	Jakarta Post	Published 9 March

OP ED: "ACTIVE COOPERATION OR STRATEGIC DRIFT: CHOICES FOR THE ASIA PACIFIC CENTURY"

Note: Op-ed was an extract from the Prime Minister's 29 May 2010 speech to the Shangri-la Dialogue in Singapore.

Request from PM&C issued: 11 June 2009

Country	Publication	Status
Indonesia	Republika	Published 22 June 2009
Brunei Darussalam.	Brunei Times	Published 14 June 2009
India	The Hindu	Published 15 June 2009
Philippines	Philippine STAR	Published 16 June 2009
Philippines	Business Mirror	Published 17 June 2009
China	People's Daily Online	Published 18 June 2009

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Country	Publication	Status
Malaysia	The New Straits Times	Published 18 June 2009
Thailand	The Nation	Published 20 June 2009
Thailand	Maticchon	Published 20 June 2009
Indonesia	Republika	Published 22 June 2009
New Zealand	The Press	Published 30 June 2009
The Philippines	Manila Bulletin	Published 8 July 2009

OP ED: “THE G20 CAN LEAD THE WAY TO BALANCED GROWTH” (*Joint Op Ed with Republic of Korea President Lee*)

Request from PM&C issued: late August 2009

Country	Publication	Status
UK	Financial Times	Published 3 September 2009

OP ED: “Respect for Democracy in our Region”

Request from PM&C issued: 13 May 2009

Country	Publication	Publication Date
New Caledonia	Les Infos	Published 22 May 2009
French Polynesia	Les Nouvelles de Tahiti	Published 16 May 2009
Vanuatu	Daily Post	Published 16 May 2009
Vanuatu	Independent	Published 16 May 2009
Samoa	Samoa Observer	Published 15 May 2009

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Country	Publication	Publication Date
Hawaii	Honolulu Advertiser	Published 17 May 2009 (abridged)
Solomon Islands	The Island Sun	Published 14 and 15 May 2009 (two parts)
Solomon Islands	Solomon Star	Published 15 May 2009
Solomon Islands	National Express	Published 18 May 2009
Marshall Islands	Marshall Islands Journal	Published 22 May 2009
Papua New Guinea	The National	Published 18 May 2009
Tonga	Taimi 'o Tonga	Published 20 May 2009
Tonga	Talaki	Published 20 May 2009
Tonga	Chronicle	Published 20 May 2009
Federated States of Micronesia	Kaselehlie Press	Published 12 June 2009
Palau	Palau Horizon	Published (date unknown)

- C. DFAT assisted in drafting only one of these articles. One SES Band 1 officer from the South-East Asia Division in Canberra provided the Department of the Prime Minister and the Cabinet with the first draft of “Australia and Indonesia: A Partnership for the 21st Century” (3 hours).
- D. See response to Question C.

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Question 27

Program 1.1

Topic: Logging activities

Question in writing

Senator Brown asked:

- A. What is the nature of support the Australian Government has given to police and customs services to combat illegal logging in PNG, China, Malaysia, Vietnam and Indonesia?
- B. What is the progress on any country-to-country negotiations on certification of legally logged timber?
- C. Has the department investigated a multilateral process, similar to the UN's Kimberly Process which governs diamond sales, to govern timber sales? If so, what is its advice?
- D. Has Australia's Ambassador to the UN held any talks about the possibility of instigating a certification process to govern timber sales?

Answer (as at 20 August 2010)

- A. The nature of support provided to police and customs in PNG, China, Malaysia, Vietnam and Indonesia would be a matter for agencies within the portfolio of the Minister for Home Affairs including Customs and Border Protection and the Australian Federal Police.
- B. Legality verification of timber products and forest certification have been discussed through bilateral discussions with Papua New Guinea, Indonesia, China, Malaysia, Vietnam and New Zealand.
- C. No.
- D. No.

Question 28

Program 1.1

Topic: Mr Helmer

Question in writing

Senator Bob Brown asked:

- A. Has the department responded to the 1 March 2010 Freedom of Information request by a Mr John Helmer? If so, when was the response sent? If not, why not and when does the department expect to send a response?

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- B. How many FOI applications has the department refused to fulfil in the past five years? How many of these refusals were appealed by the applicant to the Administrative Appeals Tribunal? What were the outcomes of any appeals to the tribunal?

Answer (as at 20 August 2010)

- A. Yes. A departmental decision maker finalised Mr Helmer's request on 25 June 2010. 101 documents were identified as relevant to this request. Mr Helmer received 61 documents in full and 40 documents in part. As Mr Helmer's nominated address for the purpose of this request is the Australian Embassy in Moscow, documents identified as relevant to this request were sent to him in the diplomatic bag, care of the Australian Embassy, Moscow, in the bag that arrived in Moscow on 6 July 2010. Mr Helmer collected the documents on 7 July 2010.
- B. From the 2005-06 financial year to 30 June 2010, DFAT refused to grant access to documents in full in relation to 74 FOI requests (46 of these refusals occurred in the 2005-07 period). For the same period, DFAT granted access to documents in part in relation to 217 FOI requests (that is, DFAT refused the applications in part).

Six appeals to the Administrative Appeals Tribunal (AAT) from departmental FOI decisions have been made in the last five years. Two matters were dismissed due to the failure of the applicant to appear at directions hearings; one matter was withdrawn by the applicant; two matters were settled by consent; and one matter was discontinued because the AAT decided it did not have jurisdiction. There has been no appeal to the AAT in the last five years against DFAT for a "deemed refusal" (that is, failure to provide an access decision within the statutory timeframe under section 56 of the FOI Act).

Question 29

Program 1.1

Topic: Russian companies

Question in writing

Senator Bob Brown asked:

- A. How often has the Australian embassy engaged the Russian firm Alpha-Inform to provide security services in the past two years?
- B. Has Australia's Ambassador to Russia met with any representatives of the Russian firm United Company Rusal in the past two years? If so, what was the nature of the contact?
- C. Have any Australian politicians or officials met with representatives of the Russian firm United Company Rusal on visits to Russia in the past two years?

Answer (as at 20 August 2010)

- A. The Australian Embassy through Austrade used Alfa-Inform on four occasions between July 2008 and July 2010 for the provision of security services.

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- B. No. In the past two years, Australia's Ambassador to Russia has not officially met any representatives of United Company Rusal. The Ambassador also has no recollection of any incidental meetings at business or diplomatic functions.
- C. Yes. Records indicate one meeting on 14 October 2009, between the Queensland Premier and delegation and the Director of Bauxite and Alumina Production (with responsibility for Queensland) of United Company Rusal. Austrade's Moscow-based Senior Trade Commissioner, Dan Tebbutt, also attended the meeting.

Question 30

Program 1.1

Topic: Indonesian tissue paper

Question in writing

Senator Bob Brown asked:

- A. According to a Radio National Background Briefing report on Sunday 30 May 2010 the Indonesian Ambassador to the WTO met with the Australian Ambassador last year and threatened to take a formal case to the WTO unless Australia revoked its anti-dumping measures against Indonesian tissue paper. Is this true?
- B. If this is true, what was the Australian Ambassador's response?

Answer (as at 20 August 2010)

- A. It is the longstanding practice of successive Governments not to comment on discussions with foreign governments.
- B. Not applicable.

Question 31

Program 1.1

Topic: Anti-dumping duties

Question in writing

Senator Bob Brown asked:

Regarding ABC radio program 'Background Briefings' report last weekend:

- A. Did Indonesia threaten to take a formal case to the WTO as alleged?
- B. If this did not cause the anti-dumping penalties program to be dumped, what did?
- C. Will Chinese toilet paper imported to Australia, in any form, be able to be sold here as 'Made in Australia'? If so, why?

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Answer (as at 20 August 2010)

- A. It is the longstanding practice of successive Governments not to comment on discussions with foreign governments.
- B. The Australian Customs and Border Protection Service reinvestigation of the matter concluded that the dumped toilet paper was not causing, or likely to cause, material injury to the Australian industry, which is the essential prerequisite for the imposition of anti-dumping duties under Australian legislation and international anti-dumping rules. Customs and Border Protection found that injury was being caused by competition between Australian manufacturers. As required by the legislation, Customs and Border Protection conducted the reinvestigation of all findings on the material that was available to the original decision-maker. Representations by interested parties made after the Attorney-General directed Customs and Border Protection to reinvestigate its findings were not made available to the reinvestigation team and could not have influenced the outcome.
- C. This question should be directed to the Australian Customs and Border Protection Service and the Australian Competition and Consumer Commission.

Question 32

Portfolio Overview

Topic: Energy efficiency of the department's buildings

Question in writing

Senator Birmingham asked:

Please list every building occupied by the Department.

For each building:

Has an energy efficiency audit been undertaken? If so, what rating was achieved and what action has been taken to improve energy efficiency as a result of any audit undertaken?

Answer (as at 20 August 2010)

The information provided in the attached documents is restricted to office accommodation managed by the Department of Foreign Affairs in Australia and overseas. No information on staff residential accommodation has been included.

Attachment A [below] provides information on all office accommodation managed by the Department overseas.

Attachment B [below] provides information on all office accommodation managed by the Department in Australia.

Both attachments indicate by column the location of the building, whether the property is owned or leased and where energy efficiency audits have been undertaken. Additional commentary is provided as appropriate.

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Attachment A

*Please see the end of the table for comments regarding actions taken.

Country	City	Post type	Address	Leased/owned	Audit
Afghanistan	Kabul	Embassy	House No. 6, Street No. 10	Leased	No
Argentina	Buenos Aires	Embassy	Villanueva 1400 (Corner with Zabala)	Owned	No
Austria	Vienna	Embassy and Permanent Mission to the United Nations	Mattiellistrasse 2-4	Leased	No
Bangladesh	Dhaka	High Commission	Lot 184 Section J Gulshan Avenue	Owned	Yes*
Belgium	Brussels	Embassy and Mission to the European Union	6-8 Rue Guimard	Leased	No
Brazil	Brasilia	Embassy	Lot 7, Square 801, South Embassy Section Plano Piloto	Owned	No
Brunei Darussalam	Bandar Seri Begawan	High Commission	Dar Takaful IBB Utama, Jalan Pemancha	Leased	No
Burma	Rangoon	Embassy	Strand House	Leased	No
Cambodia	Phnom Penh	Embassy	Sangkat Tonle Bassac, Khan Chamcarmon	Owned	No

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Country	City	Post type	Address	Leased/owned	Audit
Canada	Ottawa	High Commission	7th & 16th Floors, 50 O'Connor St	Leased	No
Chile	Santiago	Embassy	3621 Isadora Goyenochea	Leased	No
China	Beijing	Embassy	21 Dongzhimenwai Dajie	Owned	Yes*
	Guangzhou	Consulate-General	Levels 10,11, 12 & 14 Development Centre Building, 3 Linjiang Dadao	Leased	No
	Hong Kong	Consulate-General	25 Harbour Road, 23rd and 24th Floors	Leased	No
	Shanghai	Consulate-General	Level 22, CITIC Square, 1168 Nanjing West Road	Leased	No
Croatia	Zagreb	Embassy	Office No. 304A, 3rd Level, Complex Centar Kaptol	Leased	No
Cyprus	Nicosia	High Commission	Alpha Business Centre, No. 27 Pindarou and Vikella Streets	Leased	No
Denmark	Copenhagen	Embassy	26 Dampfaergevej	Leased	No
East Timor	Dili	Embassy	Avenida dos Martires da Patria	Leased	No
Egypt	Cairo	Embassy	1191 Corniche El Nil Street	Leased	No

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Country	City	Post type	Address	Leased/owned	Audit
Federated States of Micronesia	Pohnpei	Embassy	Sukapwar E Sou Street, H & E Office Building	Leased	No
Fiji	Suva	High Commission	37 Princes Road Samabula	Owned	No
France	Paris	Embassy	4 Rue Jean Ray	Owned	Yes*
	Paris	Delegation to the OECD	4 Rue Jean Ray	Owned	Yes*
Germany	Berlin	Embassy	Wallstrasse 76-79 & Maerkisches Uffer 8	Owned	No
Ghana	Accra	High Commission	No 43, 2nd Rangoon Close	Leased	No
Greece	Athens	Embassy	Thon Building, 14 Theojanus Street	Leased	No
Hungary	Budapest	Embassy	8-9 Kiralyhago Ter	Leased	No
India	New Delhi	High Commission	1/50G Shantipath	Owned	No
Indonesia	Jakarta	Embassy	Jalan HR Rasuna Said KAV C15 16	Owned	No
	Bali (Denpasar)	Consulate-General	211 Jalan Kapten Tantular	Owned	No
Iran	Tehran	Embassy	No 2 (13 old), 23rd St Khaled, Islambuli	Leased	No

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Country	City	Post type	Address Avenue	Leased/owned	Audit
Iraq	Baghdad	Embassy	International Zone (no street address)	Leased	No
Ireland	Dublin	Embassy	Fitzwilton House, Wilton Place	Leased	No
Israel	Tel Aviv	Embassy	23 Yehuda Halevi street	Leased	No
Italy	Rome	Embassy and Permanent Mission to the FAO	3/5/7 Via Bosio	Leased	No
Japan	Tokyo	Embassy	2-1-14 Chome Mita	Owned	Yes*
Jordan	Amman	Embassy	Parcel 293, 116 & 274, Block 30, Abdoun Al Janoubi	Owned	No
Kenya	Nairobi	High Commission	Riverside Drive	Leased	No
Kiribati	Tarawa	High Commission	BA 18 & BA51	Owned	No
Korea, Republic of	Seoul	Embassy	18th & 19th Floors Kyobo Life Insurance Building, 1 Jongno 1-GA, Jongno-Gu	Leased	No
Kuwait	Kuwait	Embassy	12th Floor Dar Al Awadi Tower Complex	Leased	No

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Country	City	Post type	Address	Leased/owned	Audit
Laos	Vientiane	Embassy	Thadeua Road	Owned	No
Lebanon	Beirut	Embassy	Block B, Embassy Complex, Serail Building	Leased	No
Malaysia	Kuala Lumpur	High Commission	6 Jalan Yap Kwan Seng	Owned	No
Malta	Malta	High Commission	Villa Terrentina, Ta'Xbiex Terrace	Leased	No
Mauritius	Port Louis	High Commission	Rogers House, 5 President John Kennedy Street	Leased	No
Mexico	Mexico City	Embassy	Ruben Dario Avenue 55	Owned	No
Nauru	Nauru	Consulate-General	MQ43 and MQ45	Leased	No
Nepal	Kathmandu	Embassy	Suraj Niwas Bansbari	Leased	No
Netherlands	The Hague	Embassy	Carnegielaan 4	Leased	No
New Caledonia (France)	Noumea	Consulate-General	7th & 8th Floor Foch Building, 19-21 Avenue du Marechal Foch	Owned	No
New Zealand	Wellington	High Commission	72-78 Hobson Street Thorndon Wellington	Owned	No

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Country	City	Post type	Address	Leased/owned	Audit
Nigeria	Abuja	High Commission	4th Floor, Arizona Bldg (Oakland Centre), 48 Aguiyi Ironsi St	Leased	No
Pakistan	Islamabad	High Commission	Diplomatic Enclave 1, Sector G-5/4 Constitution Avenue	Owned	No
Papua New Guinea	Port Moresby	High Commission	Lot 8 Section 456 Hohola, (Godwit Road)	Owned	No
Philippines	Manila	Embassy	Tower 2 RCBC Plaza, Ayala Ave Cnr Sen Gil Puyat Ave	Leased	No
Poland	Warsaw	Embassy	3rd Floor Nautilus Building, 11 Nowogrodzka	Leased	No
Portugal	Lisbon	Embassy	"Edificio Victoria" 200 Avenida da Liberdade	Leased	No
Russia	Moscow	Embassy	10A/2 Podkolokolny Pereulok	Leased	No
Samoa	Apia	High Commission	Beach Road	Owned	No
Saudi Arabia	Riyadh	Embassy	Abdulah Bin Hozafa, Al Shahmi Av	Owned	No
Serbia	Belgrade	Embassy	2830/1 CM Novi, Block 19A Cnr Vladimira Popovica and Treci Bulevar	Leased	No

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Country	City	Post type	Address	Leased/owned	Audit
Singapore	Singapore	High Commission	25 Napier Road off Middlesex Road	Owned	No
Solomon Islands	Honiara	High Commission	Cnr Hibiscus Avenue and Mud Alley	Owned	No
South Africa	Pretoria	High Commission	292 Orient Street	Leased	No
Spain	Madrid	Embassy	Torre Espacio, Piso 24, Paseo de la Castellana, 259	Leased	No
Sri Lanka	Colombo	High Commission	21 Gregory's Road	Owned	No
Sweden	Stockholm	Embassy	Sergels Torg 12	Leased	No
Switzerland	Geneva	Permanent Mission to the United Nations	Chemin des Fins 2, Commune of Grand-Sacconex	Owned	No
	Geneva	Permanent Mission to the WTO and Consulate-General	Chemin des Fins 2, Commune of Grand-Sacconex	Owned	No
Thailand	Bangkok	Embassy and Permanent Mission to ESCAP	37 South Sathorn Road	Owned	No
Tonga	Nuku'alofa	High Commission	Salote Road	Owned	No

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Country	City	Post type	Address	Leased/owned	Audit
Trinidad and Tobago	Port of Spain	High Commission	No 18 Herbert Street	Leased	No
Turkey	Ankara	Embassy	MNG Building Ugur Mumcu Caddesi No. 88	Leased	No
	Canakkale	Consulate	Kolin Hotel, Kepez 17100	Leased	No
United Arab Emirates	Abu Dhabi	Embassy	14th & 8th Floor, Al Muhairy Centre, Sheikh Zayed the First Street	Leased	No
United Kingdom	London	High Commission	Australia House, The Strand	Owned	Yes*
United States of America	Washington DC	Embassy	1601 Massachusetts Avenue	Owned	Yes*
	Chicago	Consulate-General	123 North Wacker Drive	Leased	No
	Honolulu	Consulate-General	1000 Bishop Street	Leased	No
	Los Angeles	Consulate-General	Suite 3150, 31st Floor 2029 Century Park East (Century Plaza Towers)	Leased	No
	New York	Consulate-General	150 East 42nd Street	Leased	Yes*

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Country	City	Post type	Address	Leased/owned	Audit
	New York	Permanent Mission to the United Nations	150 East 42nd Street	Leased	Yes*
Vanuatu	Port Vila	High Commission	Winston Churchill Avenue	Leased	No
Vatican City	Vatican City	Embassy to the Holy See	Corso Vittorio Emanuele II No 349, 5th Floor, Flat 10	Leased	No
Vietnam	Hanoi	Embassy	Cong VI	Owned	No
	Ho Chi Minh City	Consulate-General	5B Ton Duc Thang	Leased	No
Zimbabwe	Harare	Embassy	1 Green Close	Owned	No

* In 2007 and 2008, the Department undertook energy efficiency audits at Chanceries in London, Paris, Washington, New York, Beijing, Tokyo, and Dhaka. Each audit report identified initiatives to improve building energy performance. The measures were recommended and undertaken on the basis of cost effectiveness and total energy efficiency improvements. The following summarises the actions taken for the seven audited Chanceries.

Bangladesh—Dhaka

- Progressive replacement of split air conditioners with more energy efficient units.
- High transmission switchgear replaced.
- Mechanical ventilation system improved.

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China—Beijing

- All BMS time control of air conditioners and fans scheduled to align with post operational requirements.
- Boilers converted to gas firing.

France—Paris

- Photo Electric (PE) cell control installed to minimise advertising banner lighting.
- External lighting reviewed and operation minimised.
- Progressive upgrade of heat transfer system.
- Ventilation system operating times optimised.
- Tenancy fit out standards developed.
- Building energy management committee (BEMC) established.
- Development and progressive implementation of a motor replacement strategy to ensure upgrade of failed units to more energy efficient models.

The Paris audit report also contained a number of recommendations for the forecasted mid life refurbishment currently being scoped by OPO. The project will seek to achieve best-practice environmentally sustainable design. This will be achieved through a number of measures including:

- Implementation of a Building Management System (BMS) to monitor and provide controls to high energy systems such as Heating Ventilation and Air Conditioning (HVAC) and lighting.

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- Installation of electrical metering to all areas of the building to allow for zoned measurement of energy consumption.
- Installation of a new HVAC system.
- Installation of new energy efficient pumps, chillers, boilers.
- Installation of new energy efficient lighting systems in the core building areas, basements, plant rooms and for emergency exit lighting.

In addition to the above, the design consultant will be required to develop an energy and environment report at the end of the design process. This report will demonstrate how the project has achieved best practice energy efficient designs and environmental outcomes, recognising the constraints of the existing building/systems.

Japan—Tokyo

- Established a residential air-conditioning policy that, occupants switch off units when apartments are not in use.
- Light fittings in un-occupied spaces in the Chancery removed.
- Installation of manual switches and BMS controlled lighting throughout the Chancery.
- Variable Speed Drive (VSD) controlled motors installed with new carbon monoxide monitoring to minimise fan energy consumption.
- Speed controllers on the secondary cooling and heating water pump motors installed.

United Kingdom—London

- Incandescent candle lamps upgraded to compact fluorescent lamps.
- Temperature range of local HVAC controls reduced.

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- Boiler ambient temperature lockout installed (via the BMS).
- Progressive replacement of split air-conditioners with reverse cycle inverter systems.
- Air-conditioning plant operating times reduced.

United States of America—Washington

The Washington Chancery audit report recommended that the building would benefit from significant upgrade and replacement of lighting and HVAC systems. OPO is in the process of scoping the mid-life refurbishment project and will seek, where possible, to achieve best-practice energy efficient design.

United States of America—New York

The Chancery's repairs and maintenance procurement strategy is to utilise energy efficient products.

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Attachment B

All office accommodation managed by the Department in Australia is leased.

DFAT obtained certification to ISO 14001:2004 in June 2006. It has been renewed or recertified each year since.

*Please see end of the table for comments regarding actions taken.

State/territory	City	Office type	Address	Leased/owned	Audit	NABERS
ACT	Canberra	Head Office	R.G. Casey Building, John McEwen Cres, Barton	Leased	Yes*	2-3
NSW	Sydney	State Office	Level 10, Angel Place, 117-123 Pitt Street	Leased	Yes*	3.5
NSW	Sydney	Passport Office	Gateway House, Henry Deane Place, Level 7, 26 Lee Street	Leased	No	
NT	Darwin	State Office	5 th Floor, Northern Territory House, 22 Mitchell St	Leased	Yes*	3.5
QLD	Brisbane	State Office	4 th Floor, 295 Ann Street	Leased	No	
QLD	Thursday Island	Torres Strait Treaty Liaison Office	PO Box 93	Leased	No	

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State/territory	City	Office type	Address	Leased/owned	Audit	NABERS
SA	Adelaide	State Office	5 th Floor MTAA Super House, 55 Currie St	Leased	No	
TAS	Hobart	State Office	Level 1, 111 Macquarie St	Leased	Yes*	3
VIC	Melbourne	State Office	Level 14, Casselden Place, 2 Lonsdale St	Leased	Yes*	3.5
VIC	Melbourne	Passports Office	Level 13, Casselden Place, 2 Lonsdale St	Leased	Yes*	3.5
WA	Perth	State Office	Level 17, Exchange Plaza, Sherwood Court	Leased	Yes*	4.5

ACT—Canberra

Energy efficiency measures taken in conjunction with the building owners include:

1. installation of lighting timers/sensors in all toilets and all common kitchen areas;
2. increased building black-out pulse for all non-essential lighting;
3. decreasing light fittings around the building; and
4. taking advantage of using 10% green energy under the whole-of-Government electricity contract negotiated with ActewAGL.

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The Department of Foreign Affairs and Trade in the RG Casey Building is aiming to achieve a target of 7,500 megajoules per person/per annum by 2011-2012. In 2009 it was 12,063 megajoules per person/per annum which has now been reduced to 10,383 megajoules per person/per annum.

NSW—Sydney

The State office applies the DFAT Environmental Management Systems (EMS) policy to reduce energy use and to minimise waste, improve recycling and reuse of materials.

NT—Darwin

The State office applies the DFAT Environmental Management Systems (EMS) policy to reduce energy use and to minimise waste, improve recycling and reuse of materials.

TAS—Hobart

The State office applies the DFAT Environmental Management Systems (EMS) policy to reduce energy use and to minimise waste, improve recycling and reuse of materials.

VIC—Melbourne

The State office applies the DFAT Environmental Management Systems (EMS) policy to reduce energy use and to minimise waste, improve recycling and reuse of materials.

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Question 33

Program: 1.1

Topic: ACTA

Question in writing

Senator Ludlam asked:

- A. How will ACTA be administratively managed once operational?
- B. How will the proposed ACTA Secretariat operate in relation to passing information on so-called anti-counterfeiting/infringement issues?
- C. At what level of formality would this information be passed?
- D. Does the Australian government support deletion of articles 2.X.2 and 2.5.X of ACTA which respectively provide for the award of injunctions and interlocutory injunctions against intermediaries?
- E. What steps will the Australian government take to avoid a massive influx of applications for injunctions against ISPs and litigation, with the losers being those individuals who subscribe to their internet services?
- F. What steps will the Australian government take to address injunctions being used to block file sharing traffic (including non-infringing traffic) and to cut off peoples' internet access?
- G. Does the Australian government support deletion of footnote 47 to article 2.18.3, which redefines third party liability and creates a substantive right that conflicts with Australian law?
- H. Has the Australian government been briefed on the impact of adopting principles of third party liability that differ significantly from the development of Australia's common law?
- I. Does the Australian Government support limiting the positive obligations that might be placed on intermediaries to deter or address the unauthorised storage or transmission of materials in order to be protected by the "safe harbours"?
- J. Has the Australian Government been briefed on the possibility that agreeing to ACTA may limit the ability of Australia to positively change its laws in the future?
- K. Does the Australian Government support deletion of footnote 37 to article 2.14.1 which includes "personal gains" in the assessment of criminal liability, and conflicts with the Australian position?
- L. Does the Australian Government support the principle that criminal liability must be reserved for large scale copyright infringement that is direct and intentional, and should not encompass purely private acts?
- M. If ACTA is, as it is asserted to be, about criminal and commercial activities and not about addressing private acts, then what is the justification for extending criminal liability beyond large scale commercial activity?

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- N. Does the Australian Government support creating a new criminal offence for ‘camcording’? How does the proposal for a new offence reconcile with statements that ACTA is purely about the enforcement of current laws?
- O. Does the Australian Government support deleting or amending article 2.2.1(b) because it will require Australian courts to take into account an assessment of damages that is controversial with respect to the online infringement with which ACTA is primarily concerned?
- P. Does the Australian Government support the proposal that the requirements of article 2.2.2 should be optional, regardless of whether the proposal for additional damages in article 2.2.2(c) is accepted?
- Q. Does the Australian Government support a position that rejects protecting regional lockouts (geographic market segmentation) or non-copyright related rights that restrict interoperability as access control technological protection measures, and encourage public policy exceptions to protection?
- R. ACTA envisions the establishment of a super-structure that replicates many of the responsibilities currently assumed by the World Intellectual Property Organization. Given the public acknowledgement by negotiating countries that ACTA is a direct response to perceived gridlock at WIPO, will ACTA replace WIPO as the primary source of international IP law and policy making?

Answer

- A. Negotiations have determined that an ACTA Committee will meet at least once a year to consider the implementation and operation of the agreement. The Committee will work in English, and its decisions will be taken by consensus. All parties will be eligible to participate in Committee meetings.
- B. There is no Secretariat established in ACTA text.
- C. Please refer to the answer to question B.
- D. Consensus has been reached on an article which requires that injunctions be available against infringers, but only against intermediaries in limited circumstances. The approach taken to injunctions in ACTA is consistent with existing domestic law.
- E. Please refer to the answer for question D.
- F. Please refer to the answer for question D.
- G. Nothing in Article 2.18 or its footnotes would require any changes to Australia’s existing domestic laws. The concept of third party liability is no longer defined in ACTA.
- H. Please refer to the answer for question G.
- I. Nothing in Article 2.18 or its footnotes would require any changes to Australia’s existing domestic laws. Existing ISP ‘safe harbours’ would not be altered by ACTA.

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- J. The Australian Government's participation in ACTA negotiations is without prejudice to any decision whether to join any eventual treaty. The implications of joining ACTA will be considered by the Australian Government once any eventual treaty text is finalised.
- K. Nothing in Article 2.14 or its footnotes would require any changes to Australia's existing domestic laws.
- L. This is a domestic policy matter, and is not within DFAT's portfolio responsibilities.
- M. Australia is negotiating in a manner consistent with our approach to existing legislation for copyright piracy.
- N. Nothing in Article 2.14 or its footnotes would require any changes to Australia's existing domestic laws. Prosecutions have already occurred in Australia for recording movies in cinemas.
- O. Nothing in Article 2.2 or its footnotes would require any changes to Australia's existing domestic laws. Provisions in the draft text are not prescriptive as to the full scope of possible legitimate measures of value.
- P. Nothing in Article 2.2 or its footnotes would require any changes to Australia's existing domestic laws. Consensus has been reached on an article which requires that additional damages be offered for copyright, in place of any statutory damages or presumptions for damages for trade mark and copyright.
- Q. We note that there are no provisions currently included in the draft text which would have this effect.
- R. ACTA will not replace the World Intellectual Property Organization (WIPO) as the primary source of international Intellectual Property (IP) law and policy making, nor will ACTA replace the World Trade Organization (WTO) as the primary source of Trade related aspects of IP law. The scope of ACTA is narrow compared with the mandate and functions of WIPO. There is nothing in proposals published in April for ACTA to establish a 'super-structure.'

When Mr Crean announced Australia's participation in ACTA negotiations in 2008, he noted that Australia seeks that ACTA 'complement the existing international IP architecture'. Australia still seeks this outcome, and continues to support and participate fully in IP discussions in WIPO and the WTO.

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Question 34

Program 1.1

Topic: EFIC

Question in writing

Senator Ludlam asked:

- A. Does EFIC provide facilities and products such as political risk insurance to Australian companies that use cash bonus inducements or 'facilitation payments' to secure landowner agreements for compensation and relocation?
- i. If no, on what basis has EFIC provide provisional or full political risk insurance to Australian Solomons Gold?
- ii. If yes, is this consistent with the principles and standards applied by the International Finance Corporation or other international Export Credit Agencies?
- B. In what context did an Australian company, Australian Solomons Gold negotiate the landholder agreements for compensation and relocation with the Gold Ridge Community and Landowners Association (GRCLA)?
- C. Did ASG or its 100% owned Solomon Island subsidiary Gold Ridge Mining Ltd take Members of the GRCLA to a hotel in Honiara, 30 km for their community?
- D. Did ASG appoint George Kuper, a former member of Parliament, as a chairperson overseeing the negotiation?
- E. Did ASG give cash bonus facilitation payments to the Members of the GRCLA?
- F. If the Members of the GRCLA didn't agree to sign the landholder agreement was the cash bonus facilitation payment scaled down to a lower amount as an added incentive for agreement?
- G. Did ASG give George Kuper, a cash bonus facilitation for chairing the negotiation?
- i. If yes, how much?
- H. Was the actions of ASG in this respect referred to the Australian Federal Police?
- I. A 2006 ANU Report on Australian Solomon Gold's (ASG) compliance with IFC Performance Standards and the Equator Principles stated in relation to the signing of the landholder agreements, *"We must advise that (i) it is our view that Australian Solomon's Gold has crossed the line in respect of 'external manipulation, interference, or coercion' and (ii) while it is most definitely culturally inappropriate to make cash offers to signatories anywhere, it is even more inappropriate to do this in the context of a mining agreement with a small-scale society in Melanesia and still more inappropriate (if possible) in a post-conflict situation where donors have pledged unity to defeat corruption and reform governance."*
- J. Considering this advice was given to EFIC and Department of Foreign Affairs and Trade, on what basis did EFIC and the Minister argue that it was commercially sensible and in Australia's National Interest to provide ASG with political risk insurance?

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K. Was ASG's use of facilitation payments and the actions adopted in relation to landholder agreements in compliance with EFIC's Environmental Policy and its Anti-Corruption Policy?

Answer (as at 20 August 2010)

A. – K.

EFIC, as a member of the Export Credits Group (ECG) of the Organisation for Economic Cooperation and Development (OECD), complies with the OECD Council Recommendation on Bribery and Officially Supported Export Credits. The Recommendation outlines measures to be undertaken by ECG members to deter and combat bribery in connection with officially supported export credits. These obligations, among others, include:

- Requiring exporters and, where appropriate, applicants, to provide a 'no engagement in bribery' declaration; and
- Informing law enforcement authorities if there is credible evidence that bribery was involved in the award or execution of the export contract.

When providing political risk insurance (PRI), while the insured party is not necessarily an exporter, EFIC still requires that the same anti-corruption measures apply. EFIC's anti-corruption policy can be found on EFIC's website at: www.efic.gov.au/corp-responsibility/Pages/anticorruptioninitiatives.aspx

In assessing the social and environmental impact of proposed transactions, EFIC applies the both the World Bank's [International Finance Corporation \(IFC\) Performance Standards](#) and the [Equator Principles](#).

Due process was followed in assessing Australian Solomons Gold's application for political risk insurance (PRI) to support redevelopment and re-opening of Gold Ridge mine, which EFIC received in late 2007. In undertaking due diligence on the transaction, EFIC considered claims by Australian National University academics that ASG made cash completion bonuses to landholders of the Gold Ridge mine site and the academics' view that, in so doing, ASG "crossed the line in respect of 'external manipulation, interference, or coercion'." These allegations were treated seriously and, on 28 November 2008, the Department of Foreign Affairs and Trade (DFAT) referred the matter to the Australian Federal Police (AFP) to investigate whether any Commonwealth law had been breached.

While the claims were being assessed and subsequently investigated, EFIC continued its assessment of other aspects of the transaction and determined that the political risk associated with mining operations in the Solomon Islands was too great for it to be carried on EFIC's Commercial Account. The EFIC Board approved referral of the transaction to the Minister for Trade for consideration of National Interest Account (NIA) support on 17 October 2008. The referral noted the outstanding issue of potentially illegal bonus payments. The Government considered the application for political risk insurance (PRI) on national interest grounds. DFAT sought and obtained legal advice as appropriate for the purpose of carrying out its responsibilities in relation to the PRI application.

The national interest benefits of the PRI support include improving economic prospects in Solomon Islands to help reduce its reliance on foreign aid—the mine is crucial to sustain

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economic activity, employment and taxation revenue, particularly given the expected fall in logging revenues as the industry begins its anticipated decline over the coming years. It should also add to investor confidence in Solomon Islands. Direct benefits would flow to Australia through goods and services exports to redevelop and support the mine. The Solomon Islands Government has stated that the reopening of the Gold Ridge mine is one of its key policy priorities.

ASG urgently required approval so that it could organise financing, which was dependent on the availability of PRI cover. On 18 July 2009, the Minister for Trade gave approval for PRI of up to US\$50 million on the NIA. Given the AFP investigation was not complete at that time, the approval was conditional on compliance with relevant environmental, community and governance standards and plans, satisfactory financing arrangements and a retrospective cancellation clause in the PRI policies to cover any prior activity by ASG and/or its staff which was later found to be in the nature of corrupt activity which would contravene Australian law. EFIC made an in-principle offer of PRI to ASG, subject to these conditions.

The AFP advised by letter dated 26 August 2009 that it could not establish any offences under Commonwealth law by ASG or any other entity.

A policy has not yet been signed given the subsequent change in ownership of the Gold Ridge Mine. EFIC is continuing its due diligence—this covers the new owner of Gold Ridge Mine, Allied Gold, and the environmental and social conditions. Environmental audits have found that the mine complies with all requirements, including those relating to cyanide. EFIC will continue to monitor environmental and social issues relating to the PRI policy for the duration of the project.

EFIC's environment policy and anti-corruption policy comply with the Equator Principles and the IFC Performance Standards which require that the affected communities are consulted in a structured and culturally appropriate manner and that such consultations be free, prior and informed.

The project's compliance with the IFC Performance Standards has been confirmed by the announcement on 24 June 2010 that the IFC has agreed to provide Gold Ridge Mining Limited a loan of US\$35 million to help restart the mine.

Question 35

Portfolio Overview

Topic: Programs

Question in writing

Senator Trood asked:

- A. Can you please provide, in spreadsheet form, a list of all programmes administered by your Department and portfolio agencies.
- B. Can that list please show for each listed programme:
 - i. The name of the programme

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ii. Full administered expenses for each financial year of the forward estimates period starting from 2010-11

iii. Full departmental expenses for each financial year of the forward estimates period starting from 2010-11

iv. Allocated Average Staffing Level (ASL) for the programme in 2010-11.

C. If that list cannot be provided, can you please advise the reason why simple full-expenditure financial information is not readily available for the public's information?

Answer (as at 20 August 2010)

A - B.

Agency	Program (B.i)		Detailed Expenses (B.ii and B.iii)	ASL 2010-11 (B.iv)
DFAT	1.1	Foreign Affairs and Trade Operations (including EFIC)	Refer DFAT 2010-11 PBS, program expenses table, page 24	*
	1.2	Payments to International Organisations	Refer DFAT 2010-11 PBS, program expenses table, page 31	
	1.3	Public Information Services and Public Diplomacy	Refer DFAT 2010-11 PBS, program expenses table, page 32	
	2.1	Consular Services	Refer DFAT 2010-11 PBS, program expenses table, page 36	
	2.2	Passport Services	Refer DFAT 2010-11 PBS, program expenses table, page 38	
	3.1	Foreign Affairs and Trade Operations	Refer DFAT 2010-11 PBS, program expenses table, page 42	
	3.2	Overseas Property	Refer DFAT 2010-11 PBS, program expenses table, page 44	
Austrade	1.1	Trade and Investment Development	Refer DFAT 2010-11 PBS, Program 1.1 Expenses table, page 75 – All departmental	953
	1.2	Trade Development Schemes (EMDG)	Refer DFAT 2010-11 PBS, Program 1.2 Expenses table, page 78 – All administered	56

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Agency	Program (B.i)		Detailed Expenses (B.ii and B.iii)	ASL 2010-11 (B.iv)
	2.1	Consular and Passport Services	Refer DFAT 2010-11 PBS, Program 2.1 Expenses table, page 80 – All departmental	52
AusAID **	1.1	Official Development Assistance - PNG & Pacific	Refer DFAT 2010-11 PBS, program expenses table, page 111	945
	1.2	Official Development Assistance - East Asia	Refer DFAT 2010-11 PBS, program expenses table, page 111	
	1.3	Official Development Assistance - Africa, South and Central Asia, Middle East and Other	Refer DFAT 2010-11 PBS, program expenses table, page 112	
	1.4	Official Development Assistance - Emergency, Humanitarian and Refugee Program	Refer DFAT 2010-11 PBS, program expenses table, page 113	
	1.5	Official Development Assistance - Multilateral Replenishments	Refer DFAT 2010-11 PBS, program expenses table, page 114	
	1.6	Official Development Assistance - UN Commonwealth and Other International Organisations	Refer DFAT 2010-11 PBS, program expenses table, page 114	
	1.7	Official Development Assistance - NGO, Volunteer and Community Programs	Refer DFAT 2010-11 PBS, program expenses table, page 115	
		Departmental Support – Outcome 1	Refer DFAT 2010-11 PBS, program expenses table, page 116 and Budgeted expenses and resources table, page 108	
ACIAR	1	International Agricultural Research and Development	Refer DFAT 2010-11 PBS, program expenses table, page 146	64

* Given that DFAT staff work across a number of programs concurrently, DFAT is unable to allocate ASL down to the program level.

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** AusAID does not allocate ASL down to the program level. AusAID allocates ASL to the Departmental Support programs, which are attributed to AusAID's two Outcomes.

C. Not applicable.

Question 36

Portfolio Overview

Topic: Average staffing levels (ASL)

Question in writing

Senator Trood asked:

- A. What is the total expenditure on staffing for the Department and for all portfolio agencies? What is the SES and non-SES breakdown?
- B. What are the current staffing levels for SES and non-SES officers? What is the breakdown by location?
- C. What have been the changes in ASL since November 2007? Why have these changes occurred? What have been the budgetary implications?
- D. In the case of reductions in staff numbers, how have these reductions been absorbed by the Department? What functions have been sacrificed and why?
- E. Has there been a target for staff reductions to achieve savings? What is that target and what strategy is being implemented to achieve this?
- F. Have any voluntary or involuntary redundancies been offered to staff? If so, how have staff been identified for such offers? Are there such plans for the future?

Answer (as at 20 August 2010)

Department of Foreign Affairs and Trade

- A. Total employee expenditure for DFAT for 2008-09 was \$378.29 million (including locally engaged staff) as published in the 2008-09 Annual Report. Refer to note 14 of the 2008-09 Annual Report for a breakdown of aggregate total remuneration for SES located in Australia. Given the ranges of and varying conditions at overseas posts, a breakdown for SES located overseas would be a significant diversion of resources and, in these circumstances, I do not consider that the additional work can be justified.
- B. As detailed in Appendix 2 of the DFAT Annual Report 2008-09, based on headcount figures as at 30 June 2009 (excluding locally engaged staff), the department had 210 SES and 2,016 non-SES employees. Of these, 118 SES and 1279 non-SES were in Canberra; 90 SES and 447 non-SES were overseas; and 2 SES and 290 non-SES were in state offices.

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C.

Annual Report	LES	A-Based	TOTAL ASL	Variance
30 June 2007	1440	1931	3371	
30 June 2008	1449	2009	3458	87
30 June 2009	1444 [^]	2078	3522	64

[^] Actual figure published in 2008-09 Annual Report was 1577 however this represented headcount of locally engaged staff, while 1444 in the table above represents ASL.

Changes to ASL figures are a result of various factors including increases in passport issue rates, conversion of contractors into Australia Public Service personnel and new budget decisions (these Budget decisions can be found in the Portfolio Budget Statements and Portfolio Additional Estimates Statements for each year.)

The increase in employee expenses from \$340 million in 2006-07 (2006-07 Annual Report refers) to an estimated actual level of \$441 million in 2009-10 (2010-11 PBS refers) is due to increases in ASL as well increases in salary costs (under Collective Agreements) and allowances (to keep pace with inflation and foreign exchange movements). The increase in passport staff due to increased issuance rates has been funded from the Passports Funding Agreement between DFAT and the Department of Finance and Deregulation.

- D. There has been no net reduction in staff numbers. Since 30 June 2007, there has been a net increase of 4.3 per cent or 151 in the department's ASL
- E. Flowing from the savings measures announced at Additional Estimates 2007-2008, the department met a staffing reduction target involving the withdrawal of 25 A-based positions overseas and 24 positions in Canberra for FY2008-09. As part of savings measures announced in the 2009-10 Mid-Year Economic and Financial Outlook, the department will also withdraw one officer each from four overseas missions.

Despite the aforementioned staffing reductions, the department has received funding for additional staff, mainly attributable to new positions funded from other budget-related measures and through the annual Passports Funding Agreement.

- F. Two voluntary redundancies were offered in calendar year 2007, six in 2008, two in 2009 and four in 2010 to date. The Secretary offers a voluntary redundancy to an employee if the duties performed by the ongoing employee are no longer necessary for the efficient and economical working of the department. Any future offers of voluntary redundancies will be made on this basis.

Austrade

- A. Total employee expenditure for Austrade for 2009–10 was \$117,944,000 (including overseas engaged employees) and SES staff related costs were \$7.431 million, as included in the 2009–10 Financial Statements.

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AusAID

- A. Total employee expenditure for AusAID for 2008-09 was \$116.39 million (including O-Based staff). SES salary, allowances and superannuation comprises \$7.7 million of the total expenditure.

Export Insurance Finance Corporation (EFIC)

- A. EFIC's total Staff Costs for 2008-2009 as published in the 2009 Annual Report was \$11 million. The breakdown is \$3,744,987 for SES equivalents and \$7,255,013 for non-SES equivalents.

Australian Centre for International Agricultural Research (ACIAR)

- A. Total employee expenditure for ACIAR for 2008-09 was \$5,889,000 as published in the 2008-09 Annual Report. ACIAR has one SES Band 1.

Question 37

Program 1.1

Topic: Indonesia—asylum seekers

Written question

Senator Trood asked:

- A. Was the Australian Government asked to assist the Indonesian Government to resolve the incident involving the *Jaya Lestari* moored at the port of Merak? If so, when? What assistance was provided the Australian Government?
- B. Was the Australian Ambassador in Jakarta approached by the head of the Indonesia's Diplomatic Security, Sujatmiko, to provide assistance in talking to the asylum seekers on the *Jaya Lestari* moored at the port of Merak? If so, when? What assistance was provided by the Australian Embassy?

Answer (as at 20 August 2010)

- A. Indonesian officials made some requests for assistance during the period the vessel was moored at the port of Merak. The Australian Government provided funding to the International Organisation for Migration (IOM) under pre-existing arrangements. The IOM provided support to Indonesian authorities in the care of those on board the *Jaya Lestari*, and their subsequent transport and housing following disembarkation.
- B. On 5 April 2010 Dr Sujatmiko asked the Australian Ambassador for Embassy involvement in a planned visit to Merak by officials. Consistent with previous advice, Dr Sujatmiko was advised that it was appropriate that disembarkation of the Merak passengers be managed by the Indonesian authorities with the involvement of IOM. As noted in answer to Q39A, the Australian Government provided funding to the International Organisation for Migration (IOM) under pre-existing arrangements. The IOM provided support to Indonesian authorities in the care of those on board the *Jaya Lestari*, and their subsequent transport and housing following disembarkation.

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Question 38

Program 1.1

Topic: International Commission on Nuclear Non-proliferation & Disarmament

Question in writing

Senator Trood asked:

- A. How much funding has the Government provided to the International Commission on Nuclear Non-proliferation and Disarmament since its establishment?
- B. How much funding has the Japanese Government provided to the International Commission on Nuclear Non-proliferation and Disarmament since its establishment?

Answer (as at 20 August 2010)

- A. The Government has provided a total of \$13.00 million for the work of the Commission. It provided \$9.24 million over two years through the 2009-10 Budget (\$7.66 million for 2009-10 and \$1.58 million for 2010-11) and \$3.76 million for 2008-09 through the 2008-09 Additional Estimates.
- B. Japan has maintained a Secretariat in parallel with that provided within DFAT to support the work of the Commission. It has also met the costs of participation of Japanese nationals in the work of the Commission and funded many of the costs and undertaken the organisation of the Tokyo/Hiroshima plenary meeting of the Commission in October 2009.

Question 39

Program 1.1

Topic: Macedonia

Question in writing

Senator Trood asked:

- A. Does the Australian Government recognise Macedonia by its constitutional name, the Republic of Macedonia? If not, why not?
- B. How many countries around the world recognise Macedonia by its constitutional name? Which are those countries?
- C. Has either the Australian Government or the Department been approached by the Macedonian Government to recognise Macedonia by its constitutional name? If so, when and by whom? What was the Australian Government's response?

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Answer (as at 20 August 2010)

- A. No. Australia's longstanding policy has been to use the UN provisional name "the former Yugoslav Republic of Macedonia" as an interim measure pending resolution of the name issue between the governments in Skopje and Athens.
- B. According to the government of the former Yugoslav Republic of Macedonia, 130 countries have recognised it by its constitutional name.
- C. Yes. Approaches have been made at official and ministerial level. Australia's response has been to reiterate our position, as I have outlined (A), and urge the parties to work towards a resolution.

Question 40

Program 1.1

Topic: Iran

Question in writing

Senator Trood asked:

Has the Rudd government, at any stage, considered conducting legal proceedings against President Ahmadinejad on the charge of incitement to genocide? What was the outcome of that consideration? When did this occur?

Answer (as at 20 August 2010)

In a statement to parliament on 15 October 2008, the then Minister for Foreign Affairs, Mr Stephen Smith MP, said "The Government has given exhaustive consideration to international legal action against Iran for these statements. Having now considered legal and other advice, the Government, the Attorney-General and I have decided not to pursue international legal action against Iran."

Question 41

Program 1.1

Topic: Visits from African Heads of Government/Heads of State

Hansard p. 68

Senator Trood asked:

- A. How many African Heads of Government/Heads of State have accepted invitations to visit Australia? Have arrangements been made to facilitate these visits?
- B. Are there any visits planned for later this year?

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Answer (as at 20 August 2010)

There have been no formal announcements regarding visits from African Heads of Government/Heads of State. It is the longstanding practice of successive Governments not to make public details of visits by foreign dignitaries prior to their formal announcement.

Question 42

Portfolio Overview

Topic: Tim Fischer contract

Hansard pp. 75-76

Senator Trood asked:

Please provide details of Mr Tim Fischer's contract.

Answer (as at 20 August 2010)

A copy of Mr Fischer's employment instrument, Agency Determination 2009/256, made pursuant to Section 24(1) of the *Public Service Act 1999*, is attached.

Please Note: In relation to Senator Trood's request, Mr Fischer has asked that the Committee be informed that, in accordance with his leave entitlements, he has travelled to Australia, at his own expense, with the one exception of the Parliament of World Religions in December 2009, which he attended as an official representative of the Australian Government. Further, Mr Fischer's leave balance has remained positive and in surplus since it first became active, shortly after commencing posting.

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Question 43

Portfolio overview

Topic: Whaling matters

Question on notice: Legal and Constitutional Affairs Legislation Committee, AFP, Hansard, 25 May 2010, page 73. Question transferred to DFAT.

Senator Bob Brown asked:

Please provide the minutes of the committee group meeting in regard to whaling matters.

Answer (as at 20 August 2010)

It is not the Government's practice to release documents outlining details of officials-level discussions and internal deliberations.