

The Senate

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Foreign Affairs, Defence and  
Trade Legislation Committee

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Additional estimates 2003–04

April 2004

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# Senate Foreign Affairs, Defence and Trade Legislation Committee

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# **Senate Foreign Affairs, Defence and Trade Legislation Committee**

## **Report to the Senate**

### **Introduction**

1. On 11 February 2004, the Senate referred to the Committee for examination and report, the following documents:
  - Particulars of proposed additional expenditure for the service of the year ending 30 June 2004; and
  - Particulars of certain proposed additional expenditure for the service of the year ending 30 June 2004 relating to the Defence portfolio and the Foreign Affairs and Trade portfolio.
2. The Committee has considered the proposed additional expenditure for the year ending 30 June 2004, and has received evidence from the Minister for Defence, Minister representing the Minister for Veterans' Affairs, the Minister for Foreign Affairs and the Minister for Trade, and officers of the departments and agencies concerned.
3. The Committee met in public session on 18, 19 and 20 February and 2 March 2004. Further written explanations provided by departments and agencies will be presented separately in volumes of additional information. This information will also be placed on the Committee's internet site ([www.aph.gov.au/senate\\_fadt](http://www.aph.gov.au/senate_fadt)).

### **Questions on notice**

4. The Committee has resolved that written answers and additional information should be submitted by close of business on Thursday, 1 April 2004.

## General comments

### *Defence portfolio*

#### Department of Defence

5. The Committee acknowledges the presence at the hearings, of General Peter Cosgrove, AC, MC, Chief of Defence Force, and, Mr Ric Smith, AO, Secretary of the Department of Defence.
6. The Committee commented in the hearing on the lateness of the answers to the budget supplementary hearings. The minister acknowledged the Committee's concerns and undertook to address those in delivering future answers to the Committee.
7. Matters raised by the Committee included<sup>1</sup>:

#### *Portfolio overview and major corporate issues*

- Summary of deployment: Operations Catalyst and Slipper and Australia's contribution to Iraq's rehabilitation; rotation of Defence personnel; Iraq Survey Group (pp. 7–8, *Hansard*, 18 February 2004).<sup>2</sup>
- Australia's contribution to humanitarian reconstruction assistance in Afghanistan (pp. 9–10).
- Solomon Islands: deployment of an Australian led regional assistance mission (p. 10).
- East Timor: Australian assistance to the United Nations Mission of Support in East Timor (UNMISSET); security situation; Australia's defence cooperation program; Australia's ongoing role in East Timor (pp. 11–12).
- Financial matters: funding for operations Bastille, Falconer and Catalyst (pp. 13–14).
- Operation Anode: funding over two financial years (pp. 14–15).
- The foreign exchange supplementation (p. 15).
- Military Superannuation Benefits Scheme (pp. 15–16).
- Comment on descriptions used in the PAES (p. 16).

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1 Please note that the page numbers cited in this report are from the *proof Hansard*. Each transcript starts at page 1.

2 Transcript page numbers for the Department of Defence hearings refer to the *Proof Hansard*, 18 February, 2004. (See the transcript index at back of this report.)

- Large increases in costs associated with service allowance (pp. 16–17); refinement of the budget estimates for salary arrears payments (p. 17). Salary arrears as adjustments which reflect changes to an ADF member's circumstances (p. 67).
- Defence property lease–back arrangements with government (pp. 17–19).

#### *Budget summary, financial statements and improvement initiatives*

- Overview capital budget issues (pp. 19–20); approved capital equipment program; rescheduled or delayed expenditure (p. 20); investment program (pp. 21–22).
- Development of the DMO business model; selection process, appointment and salary and conditions of the head of DMO (pp. 23–27).
- Process of finding a replacement CEO of the ASC (pp. 26–27, 67); Defence Industry Advisory Committee; remuneration for the new advisory committee (pp. 27, 67); membership and conditions of service to the board; employment levels, civilian and service personnel, within DMO (p. 28).
- Defence Capability Plan: Kinnaird Review recommendations on DMO and other aspects of the acquisition process (pp. 22–23).
- Overview of white paper funding: four funding components (p. 29); recurrent funding for particular shortfalls (p. 30); two components to the major capital equipment (pp. 30–32). Changes between the original plan and the new plan (p. 32).
- Factors that influence change to the capability plan (pp. 32–33); savings measures (p. 35).
- Air 9000: separation of phases; increase in cost of the project; timing and costing issues relating to the various phases (pp. 35–37).
- Expected delivery of troop–lift helicopters (pp. 37–38). Complaint about implementation process; investigation and report on complaint (pp. 38–40).
- Location of a Defence training area in prime farming land (pp. 40–42, 68).
- Patrol boat replacement: payment structure of a contract; contract milestones; standard contract pro forma (pp. 42–43).

#### *Outcome 2*

- Anthrax inoculation issues: Sreaton redress of grievance (pp. 43–44); requirement for advising patients prior to inoculation (pp. 45–46).
- Robertson Barracks: correct storage of vaccines (p. 46); anthrax inoculation of naval personnel deployed to the Middle East; monitoring the currency of vaccines and the side effects (pp. 47–48).
- Narcolepsy: discharge from the ADF on medical grounds (pp. 48–49).
- Issues of medical discharge; Defence Injury Prevention Program; statistics on medical discharge across the services (pp. 49–50).

*Outcome 3*

- Decision–making process on replacement tanks (p. 50).
- Report from Inspector General on SAS inquiry; conduct of the inquiry; roles of various military justice personnel; confidentiality requirements; second complaint lodged; aspects of the investigation; apology to a soldier (pp. 51–55).
- Internal review and audit; review of internal policies (p. 54).
- Black Hawk accident: update on the health of personnel involved in the crash (pp. 55–57 and 80); accident investigation; other incidents involving Black Hawks (pp. 55–57, 80).
- Drug issues: results of drug operations at Robertson Barracks; extent of the drug problem at the barracks; ongoing random and targeted urinalysis (pp. 57–58). Types of drugs being used at the barracks; criminal charges (pp. 59).
- Drug testing at Woodside and Townsville (pp. 59–60, 80). Alleged drug use and loss of firearms and ammunition (pp. 60–61).
- Education program and monitoring of drug use at Amberley; test results (p. 61); Allegations made by Aircraftmen; protection of whistleblowers (pp. 61–64).
- Drug testing developments in the Navy; data collection; convictions; ongoing investigations and civil proceedings; drug and alcohol testing in particular at *Cerberus* (pp. 64–66). Regulations for alcohol and drug testing (pp. 66–67, 72).

*Outcome 5*

- Prospect of a joint Australia–US training facility; scoping of training opportunities (pp. 68–70).
- Extent of training facilities provided in Australia to Singapore (pp. 70–71).
- Australia–US cooperation on missile defence; memorandum of understanding (pp. 71–72).

*Outcome 6*

- Seminar address at ANU by Director, Defence Intelligence Organisation; articles in *The Age* and other newspapers; security breach (pp. 81–97).
- Statement from Director, DIO, action taken by Secretary, Department of Defence and Director–General, ANO (pp. 87–91).
- Chatham House rules; date of seminar (pp. 90–91).

*Outcome 7*

- Superannuation issues for SAS and Army pilots and submariners; remuneration reform project (pp. 85–87).

*Business processes*

- Health services to ADF personnel in Victoria; Mayne Health contract withdrawal (p. 73). Recruitment and retention of ADF medical staff; use of reservists (pp. 74–76, 80); outsourcing health services (p. 76–78); implications for NSW and ACT, and rest of Australia (p. 79).
- Update on projections of 2003–04 property sales (pp. 82–83).
- Update on the part sale, part retention of land at Point Cook (pp. 83–85).

*Department of Veterans' Affairs*

8. The Committee acknowledges the presence at the hearings, of Dr Neil Johnston, Secretary, and officers of the Department of Veterans' Affairs.

9. Issues that were discussed included:

*Portfolio overview*

- Government's response to the Clark inquiry; briefing to the press (pp. 98–99).<sup>3</sup> Cost to bring representatives from veterans' organisations to Canberra for the announcement (p. 99).
- Depleted uranium and exposure by Gulf War veterans; claim by veteran for contamination (pp. 99–101).
- Anthrax vaccinations for both Gulf War I and Gulf War II ADF personnel medical records and accountability (pp. 101–102).
- Gulf War I: residue of inoculation in the human system (p. 101); inoculation process (pp. 102–103).
- Anthrax inoculation: DVA monitoring the United Kingdom experience relating to numbers effects, claims lodged, ongoing research etc (p. 103).
- Gulf War II: status of records of personnel who received the anthrax inoculation while they remain in the forces and when they discharge; DVA's role in the process (pp. 103–104).
- ADF personnel having blood tests on their return from an operational area (p. 104). Gulf War health study (p. 105).
- Status of legal aid for veterans (pp. 105–106). Grants of assistance to Partners of Veterans Association (p. 106).

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3 Transcript page numbers for the Department of Veterans' Affairs hearings refer to the *Proof Hansard*, 18 February, 2004. (See the transcript index at back of this report.)

*Outcome 2*

- Guidelines to access VVRS services (p. 106). VVCS program: summary of the operations of the VVCS, and issues arising from operations in Queensland and New South Wales (pp. 111–113).
- Status of the transport tender (pp. 107–108).
- Matters relating to extending the Gold Card benefits to other World War II veterans; estimated average cost of the Gold Card, as well as the White and Orange card (pp. 108–109).
- Guidelines for provision of special aids to veterans (pp. 109–110).
- Review of Department's range of research funding programs; funding of research projects through the NHMRC (pp. 110–111). New arrangements for funding research (pp. 111).

*Outcome 4*

- Status of legal settlement for the original London memorial designers (p. 114). Final cost of ceremonial opening; use of Australian labour on the construction work; memorial design issues (pp. 115–116).
- Proposed visit to Australia of veterans from the republic of Vietnam (pp. 116–117).
- Status of bid to have the Long Tan Cross removed to Australia (p. 118).
- Cost of printing the annual report (p. 118).
- Security arrangements for Gallipoli, anticipated crowd size (pp. 119–120).
- Status of the freeway being built in Belgium and anticipated threat to World War I graves (pp. 120–121).
- War graves in Iraq (p. 121).
- Commemorative activities in Britain and France (p. 121).
- Proposal by Sydney City Council to charge the public to lay a wreath at the Cenotaph (p. 122).

*Output 6*

- Review of allegations against the Department (p. 113).
- Review of arrangements for the transfer of care of veterans' children from the Department of Health and Ageing (pp. 113–114).

## ***Foreign Affairs and Trade portfolio***

### *Department of Foreign Affairs and Trade*

10. The Committee acknowledges the presence at the hearings, of Mr Doug Chester, Deputy Secretary, and officers of the Department of Foreign Affairs and Trade.

11. Matters raised by the Committee included:

#### *Portfolio overview*

- The joint intelligence committee report on weapons of mass destruction (p. 3, *Hansard*, 19 February 2004)<sup>4</sup> document handling issues; unauthorised disclosure of an ONA document (p. 4).
- Update on the investigation into the leaked conversation between Mr Downer and High Commissioner Lackey (pp. 5–17); status of officers involved in the information leak—salary and leave arrangements (pp. 5–6). Kennedy investigation into the leaks; cost of legal advice and cost to the department (pp. 7–8, 12–16); legal status of departmental staff seconded to a minister's office under the MOPs Act (pp. 8–10). Trent Smith investigation (pp. 15–17).
- Free of information requests regarding Mr Richard Butler (pp. 20–21).

#### *Output 1.1.1*

- Australia China human rights dialogue; Falun Gong practitioners (pp. 17–19); representations to Chinese authorities on behalf of dissidents (p. 19).
- North Korea: purpose of a recent delegation; assessment of outcomes (p. 19).
- Request by Hong Kong to Australia for the extradition of two Australian citizens (pp. 21–22). Reasons for, and dates of, cables between Hong Kong and Australia. Discussions between Australia's Consul General and the Hong Kong Government. (pp. 39–42).

#### *Output 1.1.2*

- Australian Ambassador to Burma: timing of presentation of his credentials to the Burmese government (pp. 23–24); forms of engagement with Burma (pp. 24–25).
- West Papua: review of Australia's policy on the referendum; Australia's assessment of security in West Papua (pp. 25–26).
- Aceh: communications between Australia and Indonesia regarding a peaceful resolution in Aceh; assessment of the security situation; expulsion of human rights organisations (pp. 26–27).

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4 Transcript page numbers for the Department of Foreign Affairs and Trade hearings refer to the *Proof Hansards* of 19 February (whole of department plus part 1.1.5), 20 February (output 1.1.6) and 2 March 2004 (output 1.1.5). (See the transcript index at back of this report.)

- Timor Sea Treaty: negotiating the seabed treaty (p. 27); new exploration licences granted by Australia (p. 28).

#### *Output 1.1.4*

- Purpose of the Foreign Minister's visit to Israel in January this year (p. 28); alleged comments made by Mr Downer while in Israel (p. 29); reaction of the press and others in Israel and Australia (pp. 29–32).
- Nauru: negotiation by Australia and Nauru of a new memorandum of understanding regarding asylum seekers (p. 32). OH&S concerns regarding Menen Hotel as an office space and residence for Australian departmental staff (p. 33); citizenship options for Nauruan residents (pp. 33–34).

#### *Output 1.1.5: Australia–US free trade agreement*

##### Evidence heard on 19 February 2004

- Description of the outcome of negotiations; availability of the draft text of the agreement (p. 60, 19 February 2004. See also pp. 1–2, *Hansard*, 2 March 2004); legal status of a side letter (pp. 60–62, 63).
- Outcomes for agriculture—dairy, beef, sugar (pp. 63–65, 80–81, 84).
- Tariff levels or 'baskets'; Article 24 of the GATT—elimination of barriers (pp. 65–66, 78–79); safeguards and triggers (pp. 66–67). Beef safeguard compared to the Japanese beef safeguard and snapback (pp. 67, 69).
- Tariff rate quota growth and administration (pp. 70). Agreed Annual quota of Australian beef to be exported to the US (pp. 70–73).
- Range of quota constrained dairy products (pp. 73–74); products which get immediate market access; sanitary and phytosanitary protocols; products subject to quarantine restrictions (pp. 75–78).
- Comment on the agreement from other countries; Chile's agreement with the US (pp. 80–82).
- Implications of the agreement for Australia and other members of the Cairns Group (p. 83); commentary in the press about the agreement (pp. 84–87). Transcript of a press conference as a press release by Minister Vaile (pp. 84, 87–88).
- Implications for the Australian pharmaceutical benefits scheme (PBS) arising from the FTA (pp. 89–92).
- Generic drugs and pharmaceutical patents (pp. 92–93). Copyright issues; patent ownership; intellectual property (pp. 93–94). Content of United States and Australian fact sheets (pp. 94–95).
- Public health principles to be contained in annex to 'goods' chapter (pp. 95–96). Oversight of the agreement by a committee established under the agreement (p. 96).

Evidence heard on 2 March 2004

- Process of finalising the draft text of the USFTA agreement; the legal draft; trigger for the 90 day period prior to signing the agreement (pp. 2–4).
- Impact of the FTA on the audiovisual local content requirements; interactive audio and visual services (also p. 9); the future effect of bindings taken by the Australian government (pp. 4–6.); pay-TV expenditure requirements (p. 7).
- Trade in services, ratchet mechanisms (pp. 5–8, 23).
- Copyright: 'the mickey mouse' clause (p. 9); the Berne convention and the setting of minimum standards for copyright (p. 10); extension of copyright terms to benefit the creative industries; possible extra cost to universities and libraries (p. 12).
- Patents: the overall effect on Australia users of stronger intellectual property protection; Australian Intellectual Property and Competition Review Committee's recommendation (pp. 12–14).
- Procurement: outcome on government procurement; signatories to the WTO agreement on procurement (pp. 14–17); the USFTR fact sheet (p. 17); Defence offsets program within major contracts; programs aimed at small-to-medium sized enterprises (p. 18). Gains for Australia's service sectors (p. 19).
- Mutual recognition of qualifications (pp. 19–22).
- Temporary movement visa arrangements (p. 23); subsidies and grants; market access commitments in the FTA; deadline to complete negotiations; value of the package to the Australian economy (pp. 24–28).

*Output 1.1.6*Evidence heard on 20 February 2004

- Australia's trade reforms: performance over the last three years; key factors impacting exports in the last two years (pp. 3–4).
- Australia's largest export markets; impact of the drought on Australia's exports (pp. 5–7); Australia's global trade performance (pp. 7–8, 10); balance of trade (p. 9).
- Korean economy (pp. 10–11).
- Australian–Thailand free trade agreement: text of the agreement; substantive issues to be resolved; quarantine text resolved (pp. 12–13); rules of origin: regional value content; the US–Singapore model (pp. 13–16).
- Asia Trade Task Force: staffing issues (p. 17).
- Australia–Thailand FTA: Quarantine arrangements (pp. 17–18); concerns in Australia about chicken flu; role of the expert group established under the FTA (p. 18).

- WTO: Doha Round; overview of current situation; appointment of chairs to WTO negotiating groups; letter from Mr Zoellick, USTR, to all WTO members; a meeting of the Cairns Group (pp. 18–20, 22–23).
- WTO: Timing of a ministerial meeting (p. 20); agreement on agriculture; phasing out of subsidies domestic subsidy arrangements; the Common Agricultural Policy (CAP); G–20 position (pp. 20–21).
- WTO: Ambassador of Japan as new chair of the council (p. 22); aspects of the Uruguay Round (pp. 24–25).

#### *Output 1.1.7*

- International Criminal Court: an approach from the United States regarding entry into an article 98 agreement pursuant to the Rome statute (pp. 34–37, *Hansard*, 19 February 2004).
- Global Relief Foundation: movements and alleged activities of a US born Somali national; listing of the organisation as a terrorist entity (pp. 37–39, 42–43).
- Australia's report to the UN committee concerning al–Qaeda and Taliban (pp. 43, 47). UN committee's report on states reporting the presence of al–Qaeda and Taliban related cells in their countries (pp. 43–45).
- Willie Brigitte: a bank account in Australia (p. 46).

#### *Output 1.1.8*

- DIO intelligence assessments received by the department, and the minister, prior to the conflict in Iraq (pp. 48–49, *Hansard*, 19 February 2004). Process for handling DIO reports: Department's involvement in, or knowledge of, DIO intelligence reports, passed to the minister (pp. 48–51). Content of DIO reports to the minister (p. 52).

#### *Output 2.1*

- William Brown: posting in the embassy in Jakarta in the 1980s (p. 53, *Hansard*, 19 February 2004). Outcome of the 'O'Neill inquiry', set up to investigate the behaviour of the Foreign Affairs and Trade portfolio. AFP and FA&T involvement in the conduct of investigations into allegations against Mr Brown (pp. 53–55). Replacement passport for Mr Brown; development of a paedophile register (pp. 55–58).

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- Chanceries: security and upgrade issues relating to the chanceries in New Delhi, Paris and Wellington (pp. 58–59, *Hansard*, 19 February 2004).
- Washington head of mission residence refurbishment (p. 58).

Austrade

12. Matters raised by the Committee included:

- Austrade objective of doubling the number of exporters by 2006 (pp. 97–101, *Hansard*, 19 February, 2004); the statistical basis for obtaining the figures (pp. 97–99).
- The Export Market Development Grant Scheme (EMDG): major target group (p. 102); capping on scheme; impact of the cap on Australian exporters (pp. 103–104). Categories for claiming expenses; processing for paying grants (p. 105). Median grant claimed (pp. 106–107).
- The role Austrade may have played, or will play, in the Australia US free trade agreement (pp. 107–108). Austrade task force (pp. 108–109); identifying companies that may benefit from the trade deal (pp. 110–111).

Acknowledgements

13. The Committee expresses its appreciation of the assistance given during its hearings by Senator the Hon Robert Hill, Minister for Defence, Senator the Hon Nick Minchin, Minister for Finance and Administration and Senator the Hon Ian Macdonald, Minister for Fisheries, Forestry and Conservation. The Committee also acknowledges the attendance and cooperation of departmental and agency officers and the services of various parliamentary staff involved in the estimates process.



**Sandy Macdonald**

**Chair**



**Foreign Affairs, Defence and Trade  
Legislation Committee**

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