

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates 15-18 October 2012

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: 1.1.2 National Security and International Policy

Topic: Sri Lankan High Commissioner

Senator: Senator Rhiannon

Question reference number: 40

Type of Question: FPA, P112

Date set by the committee for the return of answer: 30 November 2012

Number of pages: 2

Question:

Senator RHIANNON: Did either of those departments have issues with the appointment of the High Commissioner? This is a similar question, but I am just asking it from the perspective of whether or not those departments were proactive. So my first questions were whether the department had sought briefing-I am trying to understand the process here-or whether, if either DFAT or AFP had had issues about the appointment of the High Commissioner, they would have taken the initiative in briefing PM&C.

Ms Tsirbas: It is my understanding that AFP would not normally be involved in the process of agreement-the process by which a country seeks approval for the appointment of a high commissioner. The lead department for that is the Department of Foreign Affairs and Trade.

Senator RHIANNON: I am aware of that, but that is precisely why I am asking the question. You said "not normally". Does that mean that there are certain circumstances when they do get involved?

Ms Tsirbas: I am not aware of any but I would have to take that on notice to check.
??

Senator RHIANNON: Thank you for clarifying that. It was not immediately clear. Considering the Age on 24 January last year ran a story that PMC was aware that DFAT saw the appointment of Mr Samarasinghe as high commissioner as problematic-so that is in an Australian newspaper in January 2011-would PMC have considered that report and requested more information? You are about to take a high commissioner but it is identified in a newspaper that DFAT has found this problematic. So, working on the assumption that DFAT has not given you any information but it is now in the public domain, would you then seek further

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates 15-18 October 2012

Prime Minister and Cabinet Portfolio

information about that? It is now more a process question-just how you handle these matters.

Ms Tsirbas: I would have to take that on notice. It is going quite a way into the past now

Answer: PM&C received advice from the Department of Foreign Affairs and Trade (DFAT) on 28 March 2011 regarding the High Commissioner's appointment. The department of Prime Minister and Cabinet (PM&C) did not receive any advice from the AFP on the matter.

As accreditation of diplomats is primarily handled by DFAT, any further questions should be referred to that department. The sending state submits a formal request to DFAT nominating a new head of mission. Formal requests may be made in the form of a note or letter from the mission concerned in Canberra, or from the foreign ministry of the sending state or, in the case of non-resident missions, by communication through the Australian mission in the capital where the head of mission resides. The Minister for Foreign Affairs then writes to the Governor-General seeking assent. The sending state is informed once agrément has been granted. A formal response to a request for agrément can usually be expected within four to six weeks. Australia has a strict practice of maintaining confidentiality of head of mission nominations until agrément has been formalised.