Senate Standing Committee on Foreign Affairs, Defence and Trade
Budget supplementary estimates 2008–2009; October 2008
Answers to questions on notice from Department of Foreign Affairs and Trade

Question 1

Output 1.1.1

Topic: North Korea

Hansard reference p. 40 and written question

Senator Trood asked

Senator Trood: "so it would come out of AusAID's budget somewhere or other, do you think?"

A. How much could this request for providing oil to North Korea cost?

B. What other AusAID programs will have to be cut or be impacted on to fund this request?

C. What assurances can the government provide that the oil Australia may fund does not go to powering nuclear proliferation in North Korea?

Answer

A. The request for finance in support of the provision of heavy fuel oil to the DPRK is still under consideration and the subject of negotiations with other countries. It is therefore not possible to respond at this time.

B. No AusAID programs would be cut.

C. Should the Government contribute funding, the heavy fuel oil that would be funded would be provided to the DPRK pursuant to agreements made in the Six-Party Talks under which the DPRK has committed to taking steps towards ending its nuclear weapons program. As such, an Australian contribution would be in support of the Six-Party Talks process which aims to bring an end to the DPRK's pursuit of nuclear weapons.

Question 2

Output 1.1.1

Topic: Japan consultations

Written question

Senator Coonan asked

Has there been any delay or changes in the level of Australia/Japan consultations from previous patterns since November 2007?

Answer

No. Australia has maintained the normal pattern of Australia–Japan consultations since November 2007.

Question 3

Output 1.1.1

Topic: China—Diplomatic and journalistic access to Tibet

Hansard p. 46

Senator Bob Brown asked

Have there been any representations made to the Chinese Government in relation to diplomatic and journalistic access to Tibet?

Answer

The Australian Government has made a number of representations to the Chinese Government in relation to diplomatic and journalistic access to Tibet, especially since the unrest of March 2008. The most recent representations to the Chinese Government in support of Embassy access to Tibet were made on 13 November. Two Australian journalists travelled to Tibet on 2–5 November.

Question 4

Output 1.1.2

Topic: Asia Pacific community

Written question and Hansard p. 48

Senator Trood asked

Mr Woolcott: "That maybe a bit of an oversimplification. Neither performs the overarching task the Prime Minister believes is required in terms of regional architecture?"

How can the Asia Pacific Community provide meaningful discussions on regional architecture when Taiwan is not being included?

Answer

The Asia Pacific Community concept is still under discussion and there has therefore not yet been a final decision on its membership.

Question 5

Output 1.1.2

Topic: Asia–Pacific Community Initiative

Question on notice and Hansard pp. 49, 51, 52

Senator Coonan asked

A. On what date and with whom did consultation occur with the department in relation to the Asia–Pacific Community Initiative?

B. Which officers, sections and branches within the department were involved in the preannouncement analysis of the initiative?

C. Did the department provide any written or oral advice to the Foreign Minister or the Foreign Minister's Advisers prior to the announcement of the initiative?

D. Can the department provide the dates of any consultation or advice provided to the Minister or his advisers?

E. Were talking points authorised for use by Mr Woolcott in his conversations with foreign governments?

F. Can a copy of Mr Woolcott's contract be made available to the Committee?

G. If Mr Woolcott's contract cannot be made available could the department indicate what aspects of the contract are "Commercial in Confidence"?

H. Did Mr Woolcott's contract conform to procurement processes?

I. Can the department provide a breakdown of the sum of the Asia-Pacific Community Initiative's operations into travel, accommodation, consulting, office support (internal and external to DFAT) and other costs?

J. Can the department provide records of Mr Woolcott's travel funded by DFAT and other Commonwealth departments or agencies so far?

K. Can the department provide a list of whom Mr Woolcott has visited?

L. Can the department provide to the Committee any reports relating to Mr Woolcott's debriefing from his overseas discussions so far?

Answer

A. Consultation occurred with senior officers in the Department in the week leading up to the Prime Minister's speech on 4 June.

B. A number of senior officers were involved.

C. Yes.

D. Advice was provided to the Foreign Minister in the week leading up to the Prime Minister's speech on 4 June.

E. The Envoy was appropriately briefed before commencing his consultations.

F. Yes **(see attached agreement)**. Please note that although the contract is not confidential, the information contained within is of a commercially sensitive nature.

G. N/A.

H. Yes.

I. Of the $0.549 million in 2008-09 to support the regional consultations on the Prime Minister's Asia Pacific Community initiative, costs to be covered include travel and other costs for Mr Richard Woolcott, travel costs for a DFAT officer to accompany and provide policy support to Mr Woolcott, and resources to manage travel and other arrangements for Mr Woolcott.

J. As at 31 December 2008, $86, 889.28 had been expended on Mr Woolcott's international travel to the following countries: Chile, Indonesia, Japan, Malaysia,

Mexico, New Zealand, Peru, Republic of Korea, Singapore, China, Brunei, The Philippines, Cambodia, Laos, India and Thailand.

K. In addition to meetings with members of the foreign diplomatic corps in Australia, as at 31 December 2008, Mr Woolcott had met a range of Leaders, Ministers, officials and think-tanks in the countries listed in the response to J above.

L. No, reports relating to Mr Woolcott's consultations are confidential and made directly to the Australian Government. Mr Woolcott's consultations will form part of the Government's consideration of the Asia Pacific Community Initiative.

Question 6

Output 1.1.2

Topic: Indonesia—BHP Billiton mineral exploration activities

Question on notice and Hansard pp. 41, 42, 45

Senator Bob Brown asked

A. Which Australian Embassy officials were briefed by BHP Billiton in relation to nickel developments in Indonesia, including Gag Island on 31 July 2008 and 2 September 2008?

B. Who were the BHP Billiton personnel involved in the briefing of Australian Embassy officials in relation to nickel developments in Indonesia, including Gag Island on 31 July 2008 and 2 September 2008?

C. What environmental measures does BHP Billiton have to take to satisfy the Indonesian government and its regulatory framework?

D. Can the department provide the Committee with the material presented to the Australian Government in Indonesia and Canberra in relation to BHP Billiton's mining proposals in Indonesia?

Answer

A. The 31 July 2008 meeting was attended by DFAT and Austrade and the 2 September meeting was attended by Austrade.

B. The 31 July 2008 meeting was attended by Mr Edwin Gerungan and Ricardo Escobar. The 2 September meeting was attended by Edwin Gerungan, Jimmy Wilson, Ricardo Escobar, Lasmaydha Siregar, and Phil Hynes.

C. BHP Billiton announced on 13 November 2008 that it had decided to end a study into integrated nickel development in Eastern Indonesia (Gag Island and at Buli in Halmahera) and the question is therefore no longer relevant. The announcement noted that the study had not been able to identify a business case to support the investment.

D. Material provided to the Embassy is provided in–confidence.

Question 7

Output 1.1.2

Topic: West Papua—Travel by Australian representatives

Question on notice and Hansard p. 45

Senator Bob Brown asked

A. Can the department provide the Committee with the details of the 22 visits by Australian representatives to West Papua including whether or not any of them involved visits to the Freeport mine or discussions about it?

B. If any of the visits involved discussions in relation to the Freeport mine, can the department provide details of the nature of those discussions?

Answer

A. Of the visits by Australian representatives to Papua and West Papua provinces (complete list attached), only two included visits to the Freeport mine:

- 7–14 August 2007—Defence and DFAT to Jayapura, Timika, Biak.
- 11–14 March 2008—Defence Delegation to Biak, Jayapura, Timika.

B. The two visits to the Freeport mine focused on social, economic, security and consular issues.

ATTACHMENT

2008

- 9–14 November—AusAID to Manokwari
- 29 October–1 November—DFAT, AusAID to Jayapura
- 22–24 October—Defence to Jayapura
- 20–25 October—ACIAR to Jayapura, Wamena, Manokwari
- 20–27 July—ACIAR to Jayapura, Wamena, Manokwari
- 16–19 July—AMSA to Merauke
- 25–30 May—DIAC to Jayapura, Sorong, Merauke
- 20–25 May—DAFF, AFMA, Customs, DFAT to Jayapura, Merauke
- 6–11 April—AFP to Jayapura, Merauke
- 11–14 March—Defence to Biak, Jayapura, Timika
- 15–20 February—AusAID to Jayapura
- 10–20 February—DFAT, ONA to Jayapura, Sorong, Manokwari
- 25–29 January—AusAID to Jayapura
- 15–20 January—ACIAR to Jayapura, Wamena

2007

- 21–24 November—Ambassador for HIV, AusAID to Jayapura
- 7–14 August—Defence, DFAT to Jayapura, Timika, Biak
- 24–28 July—DEST to Jayapura.
- 18–26 June—DIAC to Biak, Merauke, Jayapura, Timika
- 15–26 June—AusAID to Nabire
- 9–14 June—AusAID to Jayapura
- 6–12 May—AusAID to Jayapura, Biak, Numfor
- 2–4 May—APSC to Jayapura
- 23–27 April—DFAT, Defence to Jayapura, Wamena
- 23–29 April—AusAID to Jayapura, Timika, Biak
- 23–26 April—AusAID to Jayapura
- 18–24 March—NLA to Jayapura

Question 8

Output 1.1.2

Topic: Burma—sanctions

Question on notice and Hansard p. 46

Senator Bob Brown asked

A. What are the ages of the grandchildren of senior Burmese regime figures currently in Australia?

B. Will the Minister consider a review by the Government as to whether the grandchildren of Burmese regime figures should be included in the sanctions?

Answer

A. Grandchildren fall outside the scope of Australia's range of sanctions measures against the Burmese regime. The Department does not track or collate this information and it is not usual for the Department to hold such information. The Department is aware, however, of three grandchildren present in Australia of former and current senior regime figures. Two of these children are 14 and 17 years of age respectively. The age of the third child, also a minor, is unknown to the Department.

B. The Government maintains financial sanctions and travel restrictions targeted at senior Burmese regime figures and their associates and supporters. Sanctioned individuals include members of the State Peace and Development Council, ministers, senior military figures, prominent business associates of the regime, and immediate family members (ie. spouses and children) of these individuals. The Government announced a reviewed list of 463 sanctioned individuals on 22 October 2008. The criteria for listing these individuals remain appropriate in order to maintain a comprehensive and effective sanctions regime.

Question 9

Output 1.1.5

Topic: Afghanistan—Contact with the Taliban

Written question

Senator Coonan asked

A. What is the Government's position on talking to the Taliban?

B. Have Australian diplomatic or military officials had contact with Taliban members or representatives with a view to developing Taliban engagement in reconciliation or opposition to Al–Qaeda supporters in Afghanistan or Pakistan?

C. What are the characteristics of Taliban members, which would either count them in to talks or exclude them?

D. What is the Government's assessment of the future role of the Taliban in Afghanistan?

E. Is it foreseeable that the Taliban might have a future political role in Afghanistan akin to the role taken in Lebanon by the political wing of Hezbollah (whose armed wing in the External Security Organisation is proscribed by Australia as a terrorist organisation)?

Answer

A. The Australian Government supports the Afghanistan national reconciliation process, which provides for dialogue with individuals and groups who are prepared to meet certain conditions. It is critical that any political dialogue is an Afghan-led process, supported by the Afghan Government and that reconciliation initiatives should be parallel with stabilisation and reconstruction efforts.

B. No. Australian Government representatives have not had contact with Taliban members and they are not involved in reconciliation talks.

C. This is a matter for the Afghan Government to decide. The Afghan Government has set out guidelines where reconciliation will be considered with individuals who have no operational links with Al Qaeda leadership, and who renounce violence and accept the Afghan constitution.

D. This is a matter for the Afghan Government and people. We note that the Afghan Government has stated that it will consider individuals and groups for reconciliation discussions who have no operational links with Al Qaeda leadership, and who renounce violence and accept the Afghan constitution.

E. This is a matter for the Afghan Government and people.

Question 10

Output 1.1.5

Topic: Zimbabwe

Written question

Senator Coonan asked

A. How many applications for student visas by children of Zimbabwe regime officials and supporters have been refused since August 2007?

B. How many applications have been received for the new school year in 2009?

C. Which other countries apply sanctions on student visa applications from children of Zimbabwean officials?

D. Do you share information about visa applications with these other countries?

E. Do you coordinate migration intelligence in relation to such students?

F. Is there evidence that Zimbabwe sanctions targets shop around from country to country for access to education abroad?

G. In view of Mugabe's continual refusal to engage in or form a unity government and relinquish his grip on power, what are the next steps which the Government

could consider in terms of isolating the leadership without hurting the victims of the regime, the ordinary people of Zimbabwe?

Answer

A. Four adult children of Zimbabwe regime officials and supporters have had their student visa applications refused since August 2007. Eight adult children of Zimbabwe regime officials and supporters have had their student visas cancelled since August 2007.

B. None.

C. The United States, Canada and New Zealand.

D. No.

E. No.

F. We are not aware of any evidence that Zimbabwean sanctions targets shop around for access to education abroad.

G. Australia's sanctions were expanded in December 2008 to cover an additional 75 individuals and four business entities. A total of 254 individuals are now listed, against whom financial and travel restrictions apply. Financial restrictions apply to the four companies. Australia's sanctions policy applies to the student visa eligibility of the adult children of these listed individuals. The Government is keeping under active review options for action against the Mugabe regime and its supporters. Australian sanctions deliberately target regime members and close supporters to avoid causing unnecessary harm to ordinary Zimbabweans.

Question 11

Output 1.1.5

Topic: Libya

Written question

Senator Coonan asked

A. Is opening an Embassy in Libya part of the forward plan for activities and funding mentioned by Mr Chester at Estimates on 2 June which was expected to be completed by September?

B. What are the circumstances required for the Government to consider opening an Embassy in Libya?

C. Are Australia's exports to energy rich Libya, that are only around $18 million, due to the fact that Australia had not opened an Embassy in Tripoli, or for other factors? Please specify.

D. Australia's main commercial activity in Libya is carried out by Woodside. If Woodside were to conclude its business in Libya, would the Government close the Consulate?

Answer

A. No.

B. The Government is committed to maintaining good bilateral and economic ties with Libya. Australia opened a Consulate-General, managed by Austrade, in Tripoli in December 2005. Any decision on establishing an Embassy in Tripoli would be examined in the context of our global priorities and interests.

C. The level of Australian exports to Libya reflects market forces. Since 2002, there has been significant growth in Australia's commercial interests in Libya. Australia's exports to Libya are largely agricultural. There is an Australian commercial presence in the gas and oil sector. The Consulate General, managed by Austrade, will continue to support and promote Australian exports to Libya.

D. The Consulate-General assists all Australian companies in the Libyan market. The Consulate also provides consular and passport services to Australians living and travelling in Libya.

Question 12

Output 1.1.5

Topic: Afghanistan—Direction of Australian Policy

Written question

Senator Coonan asked

A. When was the latest review of the whole of Government policy on Afghanistan?

B. Were other countries involved in this review and was Afghanistan involved at an early stage?

C. What has Afghanistan advised Australia about its needs from Australia?

D. What is the policy on the deployment of

   1. AusAID officials to Afghanistan; and
   2. Aid contractors engaged by AusAID?
   3. Who makes decisions that deployments are safe?

E. Has there been a Cabinet Submission on future directions in Australia's policy on Afghanistan within the past three months?

Answer

A. Evaluation and review of our whole of government policy on Afghanistan is an ongoing process.

B. The Government engages in discussions with its key allies and the Afghan Government on a continuous basis.

C. The Afghanistan Government has invited contributions for security and reconstruction efforts from the international community, including Australia through discussions and pledging conferences. This includes the most recent

pledges made at the Afghan Support Conference in Paris and the NATO Conference in Bucharest. Australia continues to make a substantial contribution to reconstruction and stabilisation efforts. Our military contribution to Afghanistan is the largest by a non-NATO country (and the 10th largest overall) and Australia has committed $600 million in aid and reconstruction to Afghanistan since 2001 assisting in areas of security, development, human rights and counter-narcotic efforts.

D. (1) Deployments are considered on the basis of two primary factors: implementation of the development program and security considerations. For deployments to Tarin Kowt in Oruzgan province, AusAID is fully reliant on the logistics, transport and security provided by the Australian Defence Force. AusAID officers deployed on short term missions to Kabul are provided with security to the same standard as DFAT officers.

D. (2) AusAID's contractors are responsible for the security of their personnel. Contractors are responsible for the development and implementation of a Security Plan to ensure the safety and security of personnel. The Security Plan includes prevention strategies and response plans, including evacuation plans where appropriate.

D. (3) Ultimately, the Director General of AusAID makes an assessment about whether deployments proceed on a case-by-case basis after close consultation with AusAID's security management section, DFAT, Defence and other government departments where appropriate.

E. The department does not comment on Cabinet deliberations. The Government gives thorough consideration to Australia's policy on Afghanistan on a frequent basis.

Question 13

Output 1.1.5

Topic: Pakistan

Written question

Senator Coonan asked

A. In view of the Prime Minister's close relations with the Chinese premier and the Government's refusal to sell Australian uranium to India, has the Government made representations to China about possible supply of nuclear technology to Pakistan and if so what was China's response?

B. Considering the recent attacks by the US on Taliban targets in Pakistan along the border region—can some of these attacks be seen as unilateral or unannounced attacks into Pakistani territory or strikes without approval by Pakistan?

C. If approved by Pakistan, why have Pakistani Government and military leaders criticised the strikes and the military said it would repel US forces if unilateral?

D. What is the Government's position towards these strikes which have attracted public criticism in Pakistan which may fuel stronger and wider anti-western sentiment?

Answer

A. No. China is a member of the Nuclear Suppliers Group (NSG), and therefore has committed to implement the NSG Guidelines for the export of nuclear material, equipment and technology. Under the NSG Guidelines, China is able to transfer nuclear items to Pakistan under agreements drawn up before China became a NSG member on 27 May 2004.

B. The Government is aware of reports that the United States may be carrying out an intensified campaign against terrorists in Pakistan's tribal areas. The circumstances of these operations are a matter for the United States and the Pakistan and Afghanistan Governments.

C. This is a matter for the Governments of the United States and Pakistan.

D. The Australian Government recognises that the United States and Pakistan continue to work closely in the struggle to take firm and effective action against terrorist elements. Both the United States and Pakistan are important partners for Australia in the fight against terrorism. The Australian Government welcomes the ongoing dialogue between Pakistan and the United States on these issues.

Below QoN approved by Mr Crean (1/12/08)

Question 14

Output 1.1.7

Topic: Carbon Pollution Reduction Scheme—DFAT

Written question

Senator Boswell asked

A. What if any steps have been taken to estimate the costs of the government's response to climate change including the Carbon Pollution Reduction Scheme for every department, agency and program within this portfolio?

B. What are the costs and estimated costs identified (reported separately)?

C. Have any costs been included in forward estimates and if so where?

Answer

The Department of Foreign Affairs and Trade has not endeavoured to estimate the operations cost to the department under the Carbon Pollution Reduction Scheme. The design of the Carbon Pollution Reduction Scheme has not been finalised at this time.

ACIAR response for Mr Smith's approval

Question 14 (part 2)

Output 1.1.7

Topic: Carbon Pollution Reduction Scheme —ACIAR

Written question

Senator Boswell asked

A. What if any steps have been taken to estimate the costs of the government's response to climate change including the Carbon Pollution Reduction Scheme for every department, agency and program within this portfolio?

B. What are the costs and estimated costs identified (reported separately)?

C. Have any costs been included in forward estimates and if so where?

ACIAR

Climate change is impacting throughout Asia, with shifts in rainfall patterns, changing temperature regimes and increased climate variability. Since many Asian economies depend more on agriculture than those of developed countries and have less resilient institutions, they will be more heavily affected by climate change. Irrespective of measures undertaken to reduce emissions, there is a need to develop appropriate adaptation strategies to cope with inevitable climate change. The impacts of climate change will amplify the current food security crisis.

In recognition of the above, ACIAR in its most recent Annual Operational Plan (2008-09) announced its intent to establish a new *Climate Change Initiative.* Building on its existing and past agricultural research project portfolio this new initiative will proceed in two stages. Design of the first stage with an emphasis on climate adaptation has commenced this year and is being funded by redirection of existing ACIAR resources ($5.5 million over 5 years).

In addition, ACIAR will continue to support a number of initiatives across its program portfolio to strengthen the tolerance of crop varieties to heat and drought, to support more sustainable agronomic production processes, to improve water use efficiency and to slow deforestation.

Question 15

Output 1.1.7

Topic: Trade—modelling

Written question

Senator Xenophon asked

A. What, if any, modelling has been undertaken on the impact an increase in foreign aid will have on trade opportunities for Australia as developing countries emerge?

B. If modelling has been undertaken, what were the outcomes of that modelling?

C. Can the Department provide an overview and analysis of that modelling?

D. What are the estimated financial benefits to Australia in terms of trade opportunities?

Answer

A. No detailed modelling has been done by DFAT or AusAID (or on behalf of these agencies) as to whether an increase in foreign aid will impact on trading opportunities for Australia, as developing countries emerge.

We note that it is Australia's policy to untie aid, so that it is not contingent on the purchasing of Australian goods or services. AusAID believes that untied aid is the best means of generating growth and alleviating poverty.

B. While no detailed modelling has been done by or on behalf of the Australian Government, the AusAID Chief Economist has published on this issue prior to his employment at AusAID and the findings of his work are broadly consistent with other published work on the topic. Although the Chief Economist's previous work did not identify outcomes specific to Australia, the findings (as set out in the response to Question 3 below) have contributed to the Government's understanding of the relationship between aid and trade.

C. The findings of the modelling published by the Chief Economist include the following:

- effective aid generally contributes to economic growth in the recipient country, thus generating a subsequent increase in trade generally and donor exports in particular
  - there is thus an overall positive relationship between aid and trade, although this varies from country to country
- there may be a correlation between aid and trade flows from a donor to a particular recipient due to a commercial relationship between the countries

  - the commercial relationship could precede the aid relationship, or vice versa (i.e. an aid relationship may lead to a strong trading relationship)

- there will be a correlation between aid and trade flows where donors give aid to recipient countries on the condition that particular funds are used to purchase goods or services from the donor

  - however, such 'tied' aid is less effective, and will therefore reduce the increased trade that might otherwise eventuate from positive growth caused in part by effective aid.

The Chief Economist, subsequent to commencing employment with AusAID earlier this year, has undertaken some statistical analysis of aid and trade data. While in its proper context this analysis does not constitute modelling, it gives reason to believe that these original findings still hold.

D. The work performed by the Chief Economist did not estimate financial benefits for any particular country; rather it provided a general overview of the relationship between aid and trade.

The specific nature of the relationship between aid and trade can vary between different donors and recipients. According to the Centre for Global Development, a one percentage point increase in aid as a percentage of GDP causes a one percentage point increase in growth. Assuming openness to trade, a growing economy is likely to increase its level of trade in general and donor exports in particular.

Question 16

Output 1.1.8

Topic: EFIC

Question on Notice and Hansard pp. 100, 101

Senator MacDonald asked

A. What cover is EFIC currently providing in relation to trade with Iran?

B. What was the date EFIC was advised of the decision that Australia will not be providing new financial support for trade with Iran through EFIC?

C. Can the department confirm that the only criteria for making such a decision is that the Minister must be satisfied that it is in the public interest?

D. Has the Minister given such a direction in relation to the Commercial Account before?

E. If so, can the department provide examples of where this has happened?

Answer

A. The only cover currently provided by EFIC relates to a political risk insurance policy in respect of an Australian company's investment in Iran. The policy has expired but the policyholder has until 27 February 2009 to lodge a valid claim. Should a valid claim be received, EFIC's maximum liability would be US$4.5 million (A$6.8 million, as at 12 November 2008).

B. On 15 October 2008, EFIC received a copy of a direction signed by the Minister for Trade, made pursuant to section 9 of the *Export Finance and Insurance Corporation Act 1991* ("EFIC Act"), that EFIC shall not accept an application from a person in respect of any transaction that relates to trade with, or investment in, Iran nor shall it provide any insurance or financial services or products or in any other way assist or facilitate any trade with, or investment in, Iran.

C. Yes.

D. Yes.

E. The direction of 15 October 2008 revoked a previous direction issued pursuant to section 9 of the EFIC Act. This earlier direction was dated 22 April 2008. It directed that EFIC must exercise vigilance in entering into new commitments for publicly provided financial support for trade with Iran, in accordance with operative paragraph 9 of Resolution 1803 of the United Nations Security Council.
Previous Ministers for Trade have issued directions to EFIC, the current directions being: requirement for government agreement prior to providing assistance to transactions linked to uranium, funding arrangements between the Commercial Account and the National Interest Account, compliance with the *OECD Arrangement on Officially Supported Export Credits*, and participation in Paris Club negotiations.

Question 17

Output 1.1.9

Topic: International Conventions

Written question

Senator Hanson–Young asked

CEDAW

A. On July 28 it was announced that the process towards accession to the Optional Protocol to CEDAW had commenced. Where is this process up to?

B. Is there a timeframe when the Government hope to ratify it by?

Torture

C. Do we have any updates on where the consultation process with states and territories about Australia becoming a party to the Optional Protocol to the Convention against Torture is up to?

D. Do we have more of an idea about a timeframe for a possible outcome?

General

E. Can the Department provide a list of all the UN Conventions and Optional Protocols Australia is not a signatory to?

F. Are there any other current negotiations that the Government have entered into in relation to ratifying conventions or optional protocols?

Answer

A. The Attorney-General's Department and the Office for Women (FAHCSIA) have principal carriage for the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (OP CEDAW). The Government consulted States and Territories and NGOs on the likely impact of the treaty on Australia. These consultations indicated overwhelming support for Australia acceding to the Optional Protocol. All submissions received during the consultation process were in favour of Australia's accession. A National Interest Analysis, tabled in Parliament on 26 August 2008, recommended that Australia accede to the Optional Protocol. In its report tabled on 16 October 2008, the Joint Standing Committee on Treaties (JSCOT) recommended that Australia become a party to the Optional Protocol. Coalition Senators and Members delivered a dissenting report, recommending not to accede to the Optional Protocol. Australia has lodged its instrument of accession to the OP CEDAW which will come into effect on 4 March 2009.

B. The Government is completing the necessary steps to accede to the Optional Protocol.

C. The Attorney-General's Department has the principal carriage for the Optional Protocol to the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (OP CAT). AGD has consulted NGO's, and consultations with other Commonwealth agencies, States and Territories are ongoing.

D. See answer to Question C.

E. For the Department to respond to the question to provide a list of all the UN Conventions and Optional Protocols to which Australia is not a signatory would require an unreasonable diversion of resources. However, the Department has provided previously a list of treaties which the Government had signed but not ratified (R5395, 2007 question in the House of Representatives by the then Shadow Minister for Foreign Affairs, Mr Robert McClelland answered by the

then Minister for Foreign Affairs, Mr Alexander Downer). This response is attached.

F. A list of multilateral treaties under negotiation, consideration or review by the Australian government for signature or adherence in tabled in the Commonwealth Parliament approximately every six months and is available through the internet at: www.austlii.edu.au/dfat. The most recent list takes into account treaties being considered as at September 2008.

HOUSE OF REPRESENTATIVES

International Treaties

(Question No. 5395)

Mr McClelland asked the Minister for Foreign Affairs, in writing, on 12 February 2007:

(1) Which international treaties has Australia signed and not ratified.

(2) In respect of the treaties identified in Part (1), when was each signed and what is the reason for non-ratification.

Mr Downer – the answer to the honourable member's question is as follows:

(1) The attached treaty analysis prepared by my department indicates that as at 8 March 2007 there are fifty three treaties that Australia has signed which have not entered into force for Australia. The analysis indicates the year and title of each of the thirty seven bilateral treaties in this category signed by Australia. It also indicates the year and title of the sixteen multilateral treaties Australia has signed but which have not so far entered into force.

(2) In respect of the treaties identified in Part (1), information on the particular reason in each case for the treaty not entering into force is either unavailable or, if it exists, the time and staff resources required to collect it cannot be justified as it would require unreasonable diversion of resources, in large part because responsibility for bringing the treaties into force lies with departments other than DFAT, including AGD (for extradition and mutual assistance in legal matters treaties), Treasury (for taxation agreements), DOTARS (for air services and IMO agreements) and FACSIA (for social security agreements).

In respect of treaties identified in Part (1) for which DFAT has policy carriage—the large majority of which have only been signed within the last two years—the primary reasons for their non–entry as yet into force includes: that implementation of Australia's domestic treaty processes and the passage of legislation to implement the treaty is incomplete or delayed; that Australia or the other party to the treaty has withdrawn, denounced, terminated or cancelled the treaty; that the other party to the treaty has not completed its domestic processes for bringing the treaty into force; that there has been further evolution in Australian policy since its signature of the treaty; or, in the case of a multilateral treaty, because the treaty is not in force generally and therefore not in force for Australia.

TREATY ANALYSIS

BILATERAL TREATIES (37)

1988

- Treaty on Extradition with the Oriental Republic of Uruguay

1992

- Agreement with the Argentine Republic relating to Air Services

1997

- Agreement with the Republic of Indonesia concerning Cooperation in Nuclear Science and Technology
- Treaty with the Republic of Indonesia establishing an Exclusive Economic Zone Boundary and Certain Seabed Boundaries

1998

- Agreement with Pakistan relating to Air Services and Exchange of Notes

2000

- Treaty on Extradition with the Islamic Republic of Pakistan

2002

- Agreement with the Democratic Socialist Republic of Sri Lanka for the Promotion and Protection of Investments

2003

- Agreement with the Kingdom of Tonga relating to Air Services
- Agreement with New Zealand for the Establishment of a Joint Scheme for the Regulation of Therapeutic Products

2004

- Agreement with the Republic of Korea on Cooperation in the Fields of Energy and Mineral Resources

2005

- Agreement with the Government of the Republic of Turkey on the Reciprocal Promotion and Protection of Investments
- Agreement with the Republic of Indonesia for Cooperation in Scientific Research and Technological Developments
- Agreement with the Government of Bermuda on the Exchange of Information with Respect to Taxes
- Agreement with the Kingdom of Norway on Social Security
- Agreement with the United Mexican States on the Promotion and Reciprocal Protection of Investments
- Protocol amending the Agreement with New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to taxes on Income

2006

- Framework Agreement with the Republic of Turkey on Cooperation in Military Fields
- Agreement with the Republic of Indonesia on the Framework for Security Cooperation
- Agreement with the Kingdom of Belgium on Health Care Insurance
- Agreement with New Zealand in relation to Mutual Recognition of Securities Offerings
- Agreement on Social Security with the Republic of Korea
- Agreement with Finland for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fiscal Evasion
- Agreement on Scientific and Technological Cooperation with the Republic of South Africa
- Agreement with the Kingdom of Cambodia Concerning Transfer of Sentenced Persons
- Agreement with the French Republic regarding Defence Cooperation and Status of Forces
- Agreement with India relating to Air Services
- Agreement with the People's Republic of China for Cooperation in the Peaceful uses of Nuclear Energy
- Agreement with the Swiss Confederation on Social Security
- Convention with the Kingdom of Norway for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fiscal Evasion
- Convention with the French Republic for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fiscal Evasion and Protocol
- Treaty with the Kingdom of Thailand on Mutual Assistance in Criminal Matters

2007

- Agreement with French Republic on Cooperative Enforcement of Fisheries Law in Maritime Areas Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands
- Agreement with Antigua and Barbuda on the Exchange of Information with Respect to Taxes
- Agreement with the Federal Republic of Germany on Social Security to Govern Persons Temporarily Employed in the Territory of the Other State ("Supplementary Agreement"), Concluding Protocol and Implementation Arrangement
- Agreement on Operational and Strategic Cooperation with the European Police Office
- Agreement with Japan on Social Security
- Agreement with the Government of the Kingdom of Netherlands in respect of the Netherlands Antilles for the Exchange of Information with Respect to Taxes

MULTILATERAL TREATIES (16)

1991

- Convention on the Marking of Plastic Explosives for the Purpose of Detection

1997

- Convention on Supplementary Compensation for Nuclear Damage
- Kyoto Protocol to the United Nations Framework Convention on Climate Change

2001

- International Convention on the Control of Harmful Anti-fouling Systems on Ships
- International Convention on Civil Liability for Bunker Oil Pollution Damage
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition Supplementing the United Nations Convention against Transnational Organised Crime

2004

- International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004

2005

- Agreement establishing the Pacific Islands Forum
- International Convention for the Suppression of Acts of Nuclear Terrorism
- Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel
- Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III)
- Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, 1988
- Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988

2006

- Southern Indian Ocean Fisheries Agreement
- Amendments, adopted at Antalya, Turkey on 24 November 2006, to the Constitution and Convention of the International Telecommunication Union (ITU)

2007

- World Wine Trade Group Agreement on Requirements for Wine Labelling

Question 18

Output 1.1.9

Topic: UNSC Candidacy

Question on notice and Hansard p. 53

Senator Coonan asked

Can the department provide the Committee with the breakdown of the components of the funding allocation for the UNSC Candidacy campaign for this financial year?

Answer

The $1.927 million for the UN Security Council candidacy in 2008–09 will be allocated across the following major components:

- establishment of a small Security Council Taskforce within DFAT;
- supplementation of our staffing profile in New York;
- additional travel funding for our New York mission and a number of our smaller posts with multiple accreditations;
- some short term missions by Canberra based personnel;
- additional targeted representation funds for our New York mission and for smaller posts
- the launch of public affairs activities and materials to support our campaign;
- a small number of visits to Australia by senior officials from targeted countries; and
- further development of the database to support the management of the campaign.

Actual amounts for each component will vary depending on relative priorities and events which emerge during the year.

Question 19

Output 1.1.9

Topic: Legal action against Iran

Written question

Senator Coonan asked

A. Did the Department, after the last federal election, make further assessment of Mr Rudd's election undertaking to take international legal action against Iran?
B. When did the Department advise the Government that such a course of action was not likely to succeed?

C. Was this advice materially different to advice given to the Government prior to last year's Federal Election?

D. What has been Iran's reaction to the statement by Minister Smith to the Iranian Ambassador that Australia would drop its proposal to take legal action?

Answer

A. Following the last federal election the Department made assessments of potential international legal action against Iran.

B. The Department has provided advice on the question of international legal action against Iran on a number of occasions since the last federal election.

C. It is the long-standing practice of successive Governments not to comment on or reveal the content of legal advice which has been provided.

D. The Department informed Iranian officials of the Government's decision on 16 October. The Department has not received any official response from the Iranian Government.

Question 20

Output 1.1.10

Topic: Nuclear safeguards

Written question

Senator Ludlam asked

A. What is ASNO's travel budget for 2008–09?

B. Does Mr Carlson stand by his comments of 2002 that all AONM is "fully accounted for"?[1] Is it possible to say that all AONM is not fully accounted for given that accounting discrepancies are common?

C. Can you provide the definition of Materials Unaccounted For (MUF) as it is understood by ASNO?

D. Why is MUF data for AONM not made public and why are the explanations given for MUF figures not made public?

E. Does ASNO provide the government with all MUF figures and all explanations provided by uranium customer countries to explain MUF quantities?

F. In which facilities in Japan, Western Europe and elsewhere is Australian Obligated Plutonium (AOPu) held? What is the longest time that separate AOPu has been stockpiled before being used for MOX (U/Pu) reactor fuel?

G. ASNO Director General is on record as saying that Australia sells uranium only to countries with "impeccable[2]" non-proliferation credentials. Does the ASNO

---

1 "All Australian–obligated nuclear material, including plutonium, is fully accounted for." Carlson, John, November 15, 2002, Australian Financial Review, Letter to the Editor.

2 "One of the features of Australian policy ... is very careful selection of our treaty partners. We have concluded bilateral arrangements only with countries whose

Director General consider the USA, Russia and China to have impeccable records?

H. Australia has granted approval to a programmatic reprocessing agreement as part of the China–Australia nuclear cooperation and uranium sales agreements. What reprocessing facilities in China does ASNO expect will reprocess AONM spent nuclear fuel in future?

I. Are any reprocessing facilities in China yet on the IAEA eligible nuclear facilities list? What reprocessing facilities exist in China?

J. Are ASNO aware of reports that China will build a reprocessing facility in the Province of Tibet?

K. Will ASNO accept or reject proposed reprocessing of AONM in Tibet under the China agreement?

L. What responsibilities, if any, does Australia accept to environmental protection, to ongoing nuclear waste management, and to security of AONM under the programmatic approval granted to reprocessing in China?

M. What additional responsibilities, if any, does Australia accept regarding potential reprocessing of AONM in Tibet?

N. BHP Billiton propose to produce and to export approximately 1.6 million tonnes a year of a radioactive copper and uranium concentrate as part of the proposed expansion of the Olympic Dam mine in north SA—including 1 500 to 3 000 tonnes of uranium for separation and processing as nuclear fuel. Has ASNO yet received any application regarding this proposal, or provided any advice regarding this proposal?

O. How will ASNO apply safeguards to this bulk radioactive material?

P. How will this differ to the application of ASNO's jurisdiction and the application of safeguards to the export of uranium yellowcake?

Q. Will the safeguards apply only to the contained uranium?

R. What Australian responsibilities apply, if any, to the 1.2 million tonnes of long lived low level radioactive wastes that will result each year from processing the contained 400 000 tonnes of copper and the contained 1 500 to 3 000 tonnes of uranium from the exported bulk material?

S. What facilities in China are proposed to undertake processing this bulk copper and uranium concentrate?

T. What facilities are proposed to undertake the required long term waste management or disposal?

U. Does ASNO consider that these facilities should be required to be on the IAEA eligible facilities list?—if not why not?

---

credentials are impeccable in this area." Carlson, John, December 21, 1998, Evidence before Joint Committee on Treaties, <www.aph.gov.au/hansard/joint/commttee/j2022.pdf>.

Proposed Australia–Russia uranium sales

V. Does ASNO agree or disagree with JSCT recommendation that, "It is essential that actual physical inspection by the IAEA occurs at any Russian sites that may handle AONM (Australian Obligated Nuclear Materials). Further, the supply of uranium to Russia should be contingent upon such inspections being carried out"?

W. How can the Howard/Putin agreement ensure that AONM remains in peaceful use when there have been no inspections since 2001 and there is no requirement for IAEA inspections in future?

X. Was there any requirement under Howard/Putin for there to be any IAEA inspections in future?

Y. How long does ASNO expect the complete separation of military and civilian nuclear sectors to take in Russia, including from all nuclear fuel cycle and all nuclear waste management facilities—noting that this complete separation is a precondition set by the JSCT Inquiry recommendations?

Z. How can ASNO reconcile their expectation that: "…there probably will not be IAEA inspections at most of those facilities" (in the Hearing on 1 Sept 2008, and referring to facilities to be placed on the IAEA eligible facilities list that would handle AONM)—with the precondition set by the JSCT Inquiry that: "IAEA inspections are implemented for all Russian facilities that will handle AONM?

AA. Given the JSCT recommendation to not proceed with the proposed Russia nuclear treaty—what changes if any have occurred in ASNO's preparatory work toward ratification and potential future operation of the treaty, including for proposed uranium sales and safeguarding of facilities in Russia handling or storing AONM?

BB. If the treaty were to be ratified by the federal government, when does ASNO expect arrangements will be in place for the treaty to potentially come into effect?

CC. What Russian nuclear facilities are on the current IAEA "eligible nuclear facilities list" in Russia at present? Is it the case that Russia prefers that this list is not made public—and if so why? Does ASNO agree to make public the proposed list of Russian facilities to handle or store AONM if the treaty were to be ratified?

DD. Why did Australia expressly agree to the "substitution" of AONM and to processing of certain AONM (tailings held by European corporations and intended to be re-enriched in Russia) in a non-IAEA safeguarded enrichment facility—rather than requiring Russia to agree to also have this facility brought under the IAEA eligible facilities list as is the intention for the Angarsk enrichment plant where direct Australian uranium exports are proposed to be enriched?

EE. Given that ASNO claim there is a separation of the military and civilian nuclear sectors in Russia—when does ASNO expect this non-IAEA safeguarded

enrichment facility to be brought under the IAEA safeguards system, and if not why not? Why does Russia not agree to do so?

Answer

A. The total projected travel budget for ASNO for 2008–2009 is $590,600, which comprises $524,400 for international travel and $66,200 for domestic travel.

B. ASNO's formal statement on accounting for AONM is contained in ASNO's Annual Reports. ASNO has continued to assess that AONM is satisfactorily accounted for, and has included a statement to this effect in its Annual Report each year. These assessments are based on analysis of reporting on the flow of AONM through the fuel cycle, including consideration of any accounting discrepancies.

C. ASNO follows the definition of MUF given in Article 99 paragraph N of Australia's safeguards agreement with the IAEA (see Schedule 3 of the *Nuclear Non-Proliferation (Safeguards) Act 1987*).

D. This was covered in ASNO's submission 22.1 to the JSCOT inquiry on the Australia-Russia nuclear cooperation agreement (treaty tabled on 14 May 2008).

Under all Australia's safeguards agreements, the details of nuclear material accounts are provided to ASNO on a confidential basis. Any Material Unaccounted For (MUF) which is reported to ASNO is investigated if it is outside normal limits for the processes involved. This is the approach taken by all major suppliers of nuclear material.

E. ASNO assesses the explanation for any occurrences of MUF, and advises Government as required.

F. All power reactors using Australian Obligated uranium will hold AOPu in spent fuel arising from that uranium. The facilities that may hold separated AOPu are reprocessing facilities and fuel fabrication plants in France, UK and Japan, namely:

- France: La Hague, Melox at Marcoule—reprocessing and MOX fuel fabrication plants;
- UK: Sellafield—reprocessing and MOX fuel fabrication plant; and
- Japan: Tokai-mura and Rokkasho–mura—reprocessing plants.

Bilateral partners are required to report quantities of AOPu held, but not the time each separate batch is held in storage.

G. Australia carefully selects the countries with which it concludes bilateral safeguards agreements, taking into account the non-proliferation and safeguards credentials of the country in question. The US, Russia and China have not been found to be in breach of any obligations under the NPT or their respective safeguards agreements with the IAEA.

Further discussion on China can be found in the frequently asked questions on the Australia-China nuclear transfer agreement and nuclear cooperation agreement at www.dfat.gov.au/geo/china/treaties/faq.html. Further details on Russia can be found in the transcript for the JSCOT hearing of 16 June 2008.

H. Australia has not granted consent rights to China for reprocessing. The Australia–China Nuclear Transfers Agreement states that consent will be provided when certain conditions are met, and when China's plans for reprocessing are sufficiently advanced to nominate the facilities concerned (see Annex C of the agreement). This is not yet the case.

For ASNO's knowledge of China's reprocessing plans see ASNO submission 30 (response to question 22) to the JSCOT inquiry on the Australia–China nuclear agreements (treaties tabled on 8 August 2006).

I. See answer to question H.

J. ASNO is not aware of reports that China will build a reprocessing facility in the Tibet Autonomous Region.

K. Any decision on reprocessing consent would be a matter for the Government, not ASNO. See also answer to question J.

L. As noted in the answer to question H, Australia has not granted consent rights to China for reprocessing.

For ASNO's knowledge of China's waste plans see ASNO submission 30 (response to question 22) to the JSCOT inquiry on the Australia–China nuclear agreements (treaties tabled on 8 August 2006).

Security of AONM in China is provided for under Article VIII of the Nuclear Transfers Agreement. Environmental and radioactive waste matters are not dealt with in safeguards agreements.

M. See answer to question J.

N. As part of its consultations with the Government on future exports from the Olympic Dam Mine, BHP Billiton has held discussions with ASNO. These discussions are at a preliminary stage.

O. Uranium extracted from ore exported from Australia would become nuclear material subject to the Australia-China Nuclear Transfers Agreement as if the uranium had been exported from Australia as uranium ore concentrates ("yellowcake").

P. See answer to question O.

Q. See answer to question O.

R. See answer to question L.

S. ASNO has been involved in preliminary consultations with BHP Billiton. These details are not known to ASNO at this stage.

T. See answer to question S.

U. Facilities for the processing of uranium bearing ores and ore residues are defined as being before the starting point of safeguards for the purposes of IAEA safeguards procedures (e.g. see Article 35(c) of Australia's safeguards agreement with the IAEA). As such they are not a class of facilities that could be included in an eligible facilities list.

V. It would not be appropriate for ASNO to pre-empt the Government's response to the JSCOT report on the Australia–Russia Nuclear Cooperation Agreement.

W. Refer to ASNO evidence given in the JSCOT hearing of 1 September 2008 and ASNO's submission 22.1 to the JSCOT review of the Australia-Russia Nuclear Cooperation Agreement (treaty tabled on 14 May 2008)—paragraph 3 of response to question 1 and response to question 3.

It is expected this matter will be dealt with in the Government's response to the JSCOT report on the Australia-Russia Nuclear Cooperation Agreement.

X. The Australia-Russia Nuclear Cooperation Agreement does not contain any such requirement.

Y. It is expected this matter will be dealt with in the Government's response to the JSCOT report on the Australia-Russia Nuclear Cooperation Agreement. It would not be appropriate to pre–empt this response.

Z. It would be inappropriate for ASNO to pre–empt the Government's response to the JSCOT report.

AA. JSCOT did not recommend not proceeding with the nuclear cooperation agreement, but rather, not proceeding until certain conditions have been met.

The question appears to suggest ASNO is undertaking preparatory work for uranium sales. Uranium sales are a commercial matter for Australian uranium producers.

Pending the Government's response to the JSCOT report, there has been no change in ASNO's preparatory work towards potential future operation of the agreement.

BB. See answer to question Z.

CC. The Russian Eligible Facility List is not a public document. There is no established procedure for nuclear-weapon states to publish their Eligible Facility Lists. ASNO has proposed to Russian officials that the eligible Russian facilities, with respect to the Agreement, be published when they are decided.

DD. The substitution of equivalent quantities of nuclear material in one facility for another is a standard international safeguards practice. The effect of substitution is to ensure that material designated as AONM is always subject to the Russia-IAEA safeguards agreement, which applies to nuclear material in facilities that are on Russia's Eligible Facility List.

The need for substitution at the enrichment stage arises in the case of re–enrichment of Australian obligated depleted uranium tails under longstanding contracts with European companies that hold this material. Russia does not wish to re–enrich depleted uranium tails at its international nuclear fuel cycle centre at Angarsk (which will be placed under IAEA safeguards) due to the presence of undesirable uranium isotopes in some of this depleted uranium. Further, the "super–depleted" uranium tails produced as a by–product from re-enriching these depleted uranium tails will be used in the "downblending" of former military highly enriched uranium to low enriched uranium for civil use. Such

downblending is a key element in international disarmament efforts. The super-depleted tails are needed at the facilities where this downblending is carried out.

Russia does not propose to place these enrichment facilities on its Eligible Facilities List because the facilities were never designed for the application of safeguards and could not be readily adapted for safeguards purposes.

See also frequently asked questions (FAQs) 19 and 20 on the agreement at http://www.dfat.gov.au/geo/russia/treaties/faq.html.

EE. See answer to question DD.

Question 21

Output 1.1.10

Topic: Russia

Written question

Senator Coonan asked

In view of Russia's refusal to support additional sanctions as an element of UNSC Res 1835 of 27 September 2008, which sought to continue international pressure on Iran to halt its uranium enrichment program, what steps did the Government take (or will take) to register its concerns about Moscow's position?

Answer

Australia is not currently a member of the United Nations Security Council (UNSC) and was therefore not involved in negotiating UNSC Resolution 1835.

UNSC Resolution 1835 was adopted unanimously, demonstrating that the international community is united in its desire to see Iran comply with its international obligations and to provide the necessary confidence that Iran's nuclear activities are solely for peaceful purposes.

Question 22

Output 1.1.10

Topic: International Commission on Non–proliferation and Disarmament

Written question

Senator Coonan asked

A. Did the Department at any time advise the Foreign Minister's or the Prime Minister's offices that the Department did not have the funds or resources allocated or surplus available to service the Prime Minister's initiative?

B. Were staff moved from their current work to support Mr Gareth Evan's chairmanship of the new nuclear group?

C. Does the Commission have dedicated staff and if so how many and from where were they moved?

D. What percentage of time is given to supporting the Commission by non-dedicated staff?

Answer

A. The Minister for Foreign Affairs, The Hon Stephen Smith MP, advised Parliament on 20 October 2008 that the Government had decided to allocate $3.8 million for the work of the International Commission on Nuclear Non–proliferation and Disarmament in financial year 2008-09. This funding will be provided to the Department through the Additional Estimates process.

B. Four staff of the Secretariat established in the Department to support the International Commission on Nuclear Non-proliferation and Disarmament were previously in other positions in the Department.

C. The Commission Secretariat currently comprises four ongoing Departmental employees, one non-ongoing Departmental employee and one contractor. Two of the ongoing employees were previously in the Department's International Security Division. The other two ongoing employees are trainees placed in the Secretariat as part of their normal rotations. The non-ongoing employee and contractor were engaged from outside the Department. Staff of the Japanese Ministry of Foreign Affairs are also engaged in supporting the Commission.

D. It is not possible to provide a meaningful estimate of the percentage of the time non-dedicated staff spend supporting the Commission. Supporting the Commission involves contributions from many areas of the Department, including employees at overseas posts, as well as input from other Australian Government agencies.

Question 23

Output 1.1.10

Topic: Counter–radicalisation in South East and South Asia

Written question

Senator Coonan asked

A. How much has been spent on counter-radicalisation in South East Asian and South Asian countries between 1 July 2007 and 30 June 2008?

B. Was the counter-radicalisation budget in the 2007–2008 budget cut or increased? Please provide particulars.

C. Has the Department established a benchmark from which to measure the impact of this expenditure?

D. Have any impact assessments been made for this spending?

E. Are co–contributions made to this expenditure by other beneficiaries in South East Asia and South Asia?

F. Is the Department following the activity (for example through a type of alumni association) after the return home by members of visiting delegations involved in the counter–radicalisation activities?

G. Is there evidence of continuing favourable voice by those hosted in Australia?

H. What is the nature of that evidence?

Answer

A. Between 1 July 2007 and 30 June 2008 DFAT spent approximately $2,600,000 on counter-radicalisation activities in South East and South Asia, as part of a four-year whole–of–government counter-terrorism package in the 2005–06 budget.

B. In FY 2007–08 funds allocated to counter-radicalisation, a part of the overall international counter-terrorism program, were reduced by a total of $86,000, comprising some $23,000 as part of the Department's annual efficiency dividend, and some $63,000 arising from the Department's reduction in all work units' travel, entertainment and representation budgets.

C. Quantifiable indicators are difficult to establish for counter–radicalisation activities. The program identifies and operates with potentially 'at risk' communities and works where appropriate with local organisations, NGOs and partner governments in activities which promote tolerance and community–building. The program seeks to inhibit terrorism by strengthening opposition to extremist ideology, propaganda and methods. It seeks to disrupt the radicalisation process on the basis that violent extremism is less likely where populations have a stake in their community. In key countries where activities were undertaken existing information was assessed, advice was sought from Australian missions, and some research commissioned to gauge attitudes to help focus activities and assist in evaluation.

D. Ongoing assessment of the impact of counter–radicalisation activities is undertaken through reports on activities provided by local partners, partner governments, and reporting and assessments from Australian missions.

E. In a number of counter-radicalisation activities, co–contributions are provided by local partners, including community organisations, academic institutions, or host governments.

F, G and H.

The program of international counter-radicalisation activities seeks to counter terrorism by strengthening opposition to extremist ideology, propaganda and methods. Where these activities have involved delegation visits to Australia the feedback from participants has been very positive and lessons learned are reflected in subsequent activities.

The Department has sought to sustain the impact of counter-radicalisation activities by appropriate follow up with participants by posts, depending on the nature of the activity. As indicated in D above, feed-back on the impact of such activities has been provided from various sources, and has indicated that the activities are consistently well-focused and delivered effectively.

Question 24

Output 1.1.10

Topic: Uranium sales to India

Written question

Senator Coonan asked

A. Is the Department aware of any modelling regarding the impact on India's assumed rate of greenhouse gas emissions with and without nuclear energy, which may have informed the Government's decision ultimately, to stop sales of uranium to India?

B. What position does the Government take on the US decision to sell uranium to India?

Answer

A. The Government's position is not to supply uranium to any country that is not party to the Nuclear Non-Proliferation Treaty (NPT), which includes India.

B. Any decision by the United States or other countries to supply uranium to India is a matter for those countries.

Question 25

Output 2.1

Topic: Passport services for Transgender persons

Written question

Senator Hanson–Young asked

A. Can the Department provide an update on the state of review by the Passport Office following the Administrative Appeals Tribunal decision that a transgender person who is married cannot obtain an amended birth certificate?

B. Has this review been completed?

C. If so, what were the outcomes and recommendations?

D. Has the Passport Office or the Government acted as a result of the review? If not, is there an intention to?

E. What are the options for trans people who present in a different gender than their birth certificate, who are not able to obtain a new birth certificate (because they haven't undertaken sexual reassignment) and wish to travel overseas?

F. Are people still required to sign an acknowledgment receipt—which includes acknowledging problems with the Document of Identity?

Answer

A. The review has been completed. Passport policy has been amended to enable applicants who are unable to obtain an amended cardinal document because they are married to be handled on a "case-by-case" basis. Since the AAT decision, five passports have been issued to married sex and gender diverse persons.

B. Yes.

C. A passport application from a married sex and gender diverse person is referred to the Policy Section of the Australian Passport Office (APO) for approval by the Delegate under Section 7 of the Passport Act. The application must be accompanied by the following documentation:

- a statement from the relevant RBDM/Gender Reassignment Board that they have met all requirements for their reassigned gender to be recognised, except that they are married **or** medical evidence as set down in the relevant state or territory Registry of Births, Deaths and Marriages;
- Evidence of living in the character of the other gender such as driver's licence, Medicare card, Centrelink card, rates notices (or other Proof of Identity documents);
- Original birth certificate;
- BDM name change certificate;
- Marriage certificate;
- Statutory declaration stating that marriage has not been annulled.

D. See answers above.

E. A sex and gender diverse person who presents in a different gender than their birth certificate, who may not be able to obtain a new birth certificate, may be issued with:

1. a passport in the gender shown on their cardinal document i.e. birth or citizenship certificate; or

2. a Document of Identity with the gender field left blank; or

3. in the case of an applicant who wishes to travel overseas for gender reassignment surgery, a limited validity passport in their intended gender.

F. Yes. The Australian Document of Identity (DOI) is a highly credible and International Civil Aviation Organisation (ICAO) compliant international travel document which is widely, although not universally, recognised. While no complaints have been received from persons actually encountering problems when travelling on Australian DOIs, the letter and acknowledgement receipt

have been amended to advise applicants that they should check with the relevant country's diplomatic representation prior to departure from Australia, as to whether a DOI will be accepted for entry to and exit from the country concerned.

Question 26

Output 2.1

Topic: Lapthorne case

Question on notice and Hansard pp. 14 and 32

Senator Fielding asked

A. Can the department provide the Committee with access to or copies of cables in relation to the Lapthorne case?

B. When did the department first establish contact with the Victorian Coroner's Office?

Answer

A. The Department's practice is not to provide access to classified cables to the Committee.

B. The Department first made contact with the State Coroner's Office of Victoria on 13 October 2008 at approximately 10:45 am.

Question 27

Output: Enabling services

Topic: Additional funding

Written question and Hansard p. 51

Senator Trood asked

Mr Ritchie: "…In the case of the Holy See only, funding has also been provided for the out years. That is $6.691 million over three years from 2009–10."

A. What was the original advice given to the government by the Department on an appointment to the Holy See?

B. Why is the Government spending over $6 million dollars on an appointment to the Holy See yet cutting A-based staff from positions throughout the world, particularly Europe?

C. What priorities does the department see with this appointment?

D. Will this extra funding equate with extra A–based staffing within the Department? If so, to what areas?

Answer

A. The Department's view has been that previous and current representational arrangements have worked well. The appointment of a resident Ambassador will

increase the Government's capacity to advance Australia's important interests with the Vatican.

B. The appointment of a resident Ambassador to the Holy See marks a significant deepening of Australia's relationship with the Vatican, which has a unique role and standing in international affairs. The appointment constitutes a part of the Government's regular review of the diplomatic network to ensure resources and priorities are set appropriately.

C. The presence of a resident Ambassador will enhance Australia's capacity to engage the Vatican at a high level on global and regional issues relevant to Australia's national interests, including human rights, development assistance, food security, arms control, refugees, anti-people trafficking, climate change and the environment. The appointment is a practical and positive way to advance Australia's commitment to interfaith dialogue, thereby contributing to counter-radicalisation efforts.

D. The additional funding will cover two extra A–based staff overseas; the Ambassador and one additional junior A–based position in Rome.

Question 28

Output: Enabling services

Topic: Staffing

Written Question and Hansard pp. 6, 7, 10, 11, 46–47

Senator Trood

Hansard reference p. 6

Mr Ritchie: "In an ideal world we would like to have them all…It is true that some lesser functions will have suffered, and it has had an impact on them, but I'm pretty confident that we are putting a lot of effort into the things which the government has described as the most important functions"

A. What are the governments "most important functions"?

B. Where can the Department show that these priorities are being met?

Hansard reference p. 7

Mr Ritchie: "No doubt you will come to…I am in the happy position to tell you that we actually have had some additional resources for those"

C. What are these additional resources? How have they been allocated within the Department?

Hansard reference p. 10

Mr Ritchie: "This 140 is slightly higher than we would normally have, but between 100-110 separations every year is very normal for us."

D. What accounts for these figures being higher than in previous years?

E. What is happening in the Department that is resulting in this "abnormal" increase in separations?

F. Does the Department have a review process in place to thwart further separations from the department?

Hansard reference p. 11

Mr Ritchie: "...But I think it is fair to say that with a lot of retirements over up to a decade there will be quite a lot of renewal at the top levels of the department, particularly."

G. How does the Department intend to ensure that the expected loss of expertise and experience in the next decade is compensated for?

H. What range of strategies is currently in place by the Department to retain experienced staff?

I. Doesn't this further highlight a "department in decline"?

Hansard reference pp. 46-47

Mr Ritchie: "Yes, it has. It was a most unfortunate mistake. It is one that we acknowledge. It turned out to be a misunderstanding of an instruction by a very junior, locally engaged member of the staff at the Australian High Commission in Wellington-nevertheless, deeply embarrassing and deeply upsetting…"

J. Isn't this unfortunate incident just another example of systemic issues within the department with not enough A-based staff deployed to consular positions overseas?

Answer

A. For 2008-09, the department's most important functions are set out in the 2008–09 Portfolio Budget Statements.

B. The department will report on its contribution to the achievement of these priorities in its 2008–09 Annual Report.

C. The additional resources total $14.640 million in 2008-09, for six new foreign and trade policy initiatives, as follows:

- Asia Pacific Community: $0.549 million
- Co-chairing Bali Democracy Forum: $1.908 million
- International Commission on Nuclear Non–proliferation and Disarmament (ICNND): $3.761 million
- Enhanced Pacific engagement: $1.561 million
- UN Security Council candidacy: $1.927 million
- Resident Ambassador to the Holy See: $4.934 million

In the case of the Holy See only, funding has also been provided in out-years ($6.691 million over three years from 2009-10).

D. The increase in separations can be attributed to a higher than normal rate of age retirements, reflecting an aging demographic. There has also been a slight

increase in staff transferring to other government agencies, a result of the tight APS job market.

E. See response to question D.

F. No. The Department is actively recruiting new staff to replace staff who separate.

G. DFAT enjoys a very high staff retention rate. Through its existing staff, and through the continuing recruitment, training and development of high–quality new staff, the Department will retain a depth of knowledge and experience able to deliver the Government's foreign and trade policy agenda.

H. DFAT's retention rate in 2006–07 (the most recent published data) was 94.2%, the highest among major government departments. The Department's staff are encouraged to develop and broaden their skills by attending professional development courses and by moving to different positions within the department every two to three years. All ongoing staff have the opportunity to apply for overseas postings.

I. No.

J. No.

Question 29

Topic: Release of Prime Minister's letter to the G20

Hansard p. 38

Senator Coonan asked

Can the Committee be provided with a copy of the Prime Minister's letter to all the heads of the G20 regarding the global financial crisis?

Answer

This is a matter for the Prime Minister.