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HUMAN RIGHTS SUBCOMMITTEE

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**JOINT STANDING COMMITTEE ON
FOREIGN AFFAIRS, DEFENCE AND TRADE**

Human Rights Subcommittee

Friday, 9 February 2007

Members: Senator Ferguson (*Chair*), Mr Edwards (*Deputy Chair*), Senators Bartlett, Crossin, Eggleston, Hutchins, Johnston, Kirk, Moore, Payne, Stott Despoja and Webber and Mr Baird, Mr Barresi, Mr Danby, Mrs Draper, Mrs Gash, Mr Gibbons, Mr Haase, Mr Hatton, Mr Jull, Mrs Moylan, Mr Prosser, Mr Bruce Scott, Mr Sercombe, Mr Snowdon, Dr Southcott, Mr Cameron Thompson, Ms Vamvakinou, Mr Wakelin and Mr Wilkie

Human Rights Subcommittee members: Senator Payne (*Chair*), Ms Vamvakinou (*Deputy Chair*), Senators Bartlett, Crossin, Ferguson (*ex officio*), Kirk, Moore and Stott Despoja and Mr Baird, Mr Danby, Mr Edwards (*ex officio*), Mr Sercombe and Mr Cameron Thompson

Members in attendance: Senators Ferguson, Kirk, Moore, Payne and Webber and Mr Edwards, Mr Sercombe, Mr Cameron Thompson and Ms Vamvakinou

Terms of reference for the inquiry:

To inquire into and report on:

The impact of Australian aid to the Pacific in promoting and enhancing human rights and security in the region.

The inquiry will focus on:

- Strengthening law and justice;
- Improving economic management and public accountability institutions;
- Maintaining access to basic services (especially health);
- Anti-corruption and good governance measures; and
- Supporting peace-building and community and civil society development

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Subcommittee met at 9.02 am

CHAIR (Senator Payne)—I declare open this public hearing into Australia's aid program in the region. This is the third hearing for this inquiry being conducted by the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. On 10 March 2006, the Minister for Foreign Affairs, the Hon. Alexander Downer MP asked the Human Rights Subcommittee to inquire into and report on Australia's aid program and its impact on human rights and security in the Pacific, with a focus on the following areas: strengthening law and justice; improving economic management and public accountability institutions; maintaining access to basic services, especially health; anticorruption and good governance measures; and supporting peace building and community and civil society development.

The inquiry is a timely opportunity to review Australia's ongoing commitment to development in the Pacific. In September 2005 the Prime Minister announced the doubling of Australia's aid budget, the majority of which is devoted to the Asia-Pacific region, to \$4 billion annually by 2010. Subsequent to this announcement, in 2006 AusAID released its first white paper on aid, *Australian aid: promoting growth and stability*, which provides a strategic framework to guide the direction and delivery of the Australian aid program over the next 10 years.

Also, in 2006 AusAID published the *Pacific 2020* report which was intended to stimulate dialogue and debate on ways to accelerate broad based economic growth in the region. Both the white paper and the *Pacific 2020* report highlight major development challenges facing the Pacific region. In addition to difficult economic prospects, these include rapid population growth, social and political instability and various health and environmental issues.

The subcommittee held its first public hearing for this inquiry in Brisbane in October 2006, following participation by members in a roundtable on Australia's relationship with Melanesia, organised by the Australian Centre for Peace and Conflict Studies at the University of Queensland. At that first hearing the committee heard from a number of academics and consultants with extensive experience in the Pacific. The committee held a second hearing in Canberra on 27 November 2006, which included a roundtable with a number of Pacific high commissioners and discussions with non-government organisations.

This morning we are hearing from key Commonwealth agencies involved in the delivery of Australia's aid program in the Pacific: the Department of Foreign Affairs and Trade and AusAID, the Department of Defence, the Attorney-General's Department, and the Australian Federal Police. We will also this morning hear from the Asia Pacific Forum of National Human Rights Institutions. The committee looks forward to hearing about some of the successes of the aid program, some of its challenges and the opportunities for promoting and enhancing rights and security in the Pacific.

DAWSON, Mr Scott, Deputy Director-General, Papua New Guinea Pacific International Division, AusAID

ROBINSON, Ms Judith, Assistant Director-General, Pacific Branch, AusAID

WALKER, Ms Catherine, Assistant Director-General, Papua New Guinea Branch, AusAID

MILNER, Mr Colin, Director, Human Rights and Indigenous Issues Section, Department of Foreign Affairs and Trade

RITCHIE, Mr David Alexander, First Assistant Secretary, Pacific Division, Department of Foreign Affairs and Trade

CHAIR—On behalf of the subcommittee, may I welcome representatives from the Department of Foreign Affairs and Trade and the Australian Agency for International Development to this hearing today. Although the subcommittee prefers that all evidence be given in public, should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will give consideration to your request. Although the committee does not require you to give evidence on oath, you should be aware that these hearings are legal proceedings of the parliament, and therefore have the same standing as proceedings of the chambers themselves. I would like to invite whichever of you is inclined to do so to make an opening statement, or perhaps more than one, and then we will go to questions from members of the committee after that.

Mr Dawson—Thank you very much for the opportunity to appear before the committee in this inquiry into the impact of Australian aid to the Pacific. AusAID and DFAT have made a joint submission and I would just like to make some brief opening remarks before asking my colleague from the Department of Foreign Affairs and Trade, David Ritchie, to do the same. The joint submission that we made was, I think, completed in June 2006. There have obviously been a number of developments since then relevant to the committee's terms of reference and I would like to take the opportunity to outline a few of the more significant of those.

As you have noted, Senator, the white paper on *Australian aid: promoting growth and stability*, launched in April 2006, identified four organising themes for the aid program—namely, accelerating economic growth, fostering functioning and effective states, investing in people, and promoting regional stability and cooperation. It also identified four effectiveness strategies for Australian aid—namely, strengthening the performance orientation of the aid program, combating corruption, enhancing Australian engagement with the region, and working with partners. Together these themes and strategies constitute the strategic framework for Australian aid announced by the government.

Work to enhance the impact of Australian aid in the Pacific, as in other regions, is now being organised around this framework, with the progressive design and implementation of a number of initiatives outlined in that white paper. This has included, for example, the announcement of funding of over \$149 million for the establishment and initial operation of the Australia-Pacific Technical College and the detailed design of the college, with the aim of contributing to a better

skilled and competitive Pacific workforce, able to access the global labour market: also the establishment of the Office of Development Effectiveness, with a mandate to improve the effectiveness and impact of all Australian official development assistance and, of course, continuing attention to the challenges of stability and prosperity in the Pacific through support for justice systems and policing, economic management, basic service delivery, and in other areas.

Development performance in much of the Pacific remains poor. It is disturbing, for example, that in a period of very high economic growth in developing countries globally—around six to seven per cent, including solid growth in Africa of around five per cent—growth in the Pacific is much lower; around two to three per cent and, in many cases, not sufficient to keep pace with population growth. Development prospects in individual countries have also been set back significantly by events such as the December 2006 military coup in Fiji and the earlier riots in Honiara and Tonga.

In Fiji, this has necessitated a suspension of elements of Australia's aid, while maintaining programs, for example, in health and education and community development that benefit ordinary citizens of Fiji. The Australian government has suspended support for public sector reform, electoral assistance, and support for elements of the law and justice sector where the actions of the military forces or the interim government have rendered programs ineffective or compromised their integrity.

The factors contributing to poor growth performance in the Pacific are well known and include weak private sector investment due to high business costs, the need to build human capital and improve economic infrastructure, the need to undertake sensitive land tenure reform, and a need to improve the quality of political governance. These issues have been extensively analysed most recently in the *Pacific 2020: challenges and opportunities for growth* report, facilitated by AusAID and released last May. It is important to note, however, that there are positives to build on: good growth performance, for example, in the Solomons, Vanuatu and Samoa, encouraging commitment by the government of PNG to allocate higher proportions of its own budget to basic road maintenance and other basic service delivery, and many other positives.

The white paper on Australian aid recognises that change in countries' development performance in the Pacific will be incremental and that aid programs will need to operate within extended time frames and remain focused on the relatively small number of key issues in order to demonstrate positive impact. Fundamentally, economic and social development in the Pacific is a long-term proposition. There will be advances, there will be disappointments, but it is important to stay engaged over the longer term. I now invite my colleague Mr Ritchie to say something as well.

CHAIR—Thanks, Mr Dawson. Mr Ritchie.

Mr Ritchie—Senator Payne, thank you. I will make some very brief comments given that time presses and I am sure you will have questions that you want to ask us. It will not surprise you that the tone and message is very consistent with what Mr Dawson has said. I think that we have gone through a period of some difficulty and challenge over the last year, in particular.

Working back, the coup in December in Fiji and the subsequent intimidation by the military have caused clear human rights violations, and Mr Downer has made clear our concern in the parliament earlier this week about the situation in Fiji; riots in Tonga in November which necessitated an Australian and New Zealand military and police response; the flight of Julian Moti from PNG to Solomon Islands, assisted by the PNG Defence Force and at a time when court processes in PNG were still in train in this regard, and we had an extradition request to PNG for his extradition to Australia; earlier in the year, in April, riots in Honiara and subsequent action by the Solomon Islands government to dismiss its Attorney-General, the Solicitor-General, and its action to ban the Police Commissioner, an Australian, from entering the country.

We currently have concerns in the Solomon Islands about the wishes of the government to re-arm parts of its police force, given the role that the police played before 2003 in the problems in the Solomon Islands. There are clearly a number of difficulties in the Pacific as you look out over the last year, but again, to take up a theme that Scott has mentioned, we should not lose sight of the positive side of the ledger.

There is peace in the Solomon Islands at the moment, which contrasts with the situation in 2003. I do not think it is an exaggeration to say that there are people in the Solomon Islands now who are alive, who would have been dead if RAMSI had not intervened in 2003. We have had strong support for RAMSI from the Pacific Islands Forum meeting in October. Budgets are in the black in the Solomon Islands and in PNG, in part because of the efforts of our deployees in both of those countries. Finally, again to take up something that Scott has mentioned, governance is not a short-term effort. It is an effort which will take time. There will be setbacks, there will be difficulties, and persistence is required. You need to work over an extended period of time because, through difficulties, you do not say, 'It's too hard,' and walk back. I think you have to step up even harder. It is a mixed picture, as I said, in the Pacific right at the moment, from a broad perspective.

CHAIR—Thank you very much, Mr Dawson and Mr Ritchie. Let me start with a general question. As I said in my opening statement, we are hearing from a number of government agencies this morning and there are, to greater and lesser degrees, common threads through all of those submissions, which reflect Australia's priorities in terms of delivering support in the Pacific region. Those are, obviously, security, good governance and so on. How would you characterise how we manage a whole-of-government response from the perspective of your department, and is it actually something that can be described in that way or does it happen in silos?

Mr Ritchie—No, absolutely. Yes. The question is well put, if I can say that. We spent quite a deal of time on whole-of-government coordination. DFAT chairs committees on both RAMSI and ECP in PNG, which meet weekly, and they consider all the issues that are currently before RAMSI, from the day to day issues of visas and the like, to the broad strategic issues of what threats is RAMSI under, how are we going to deal with it. That takes a great deal of time and effort, but I have to say that the cooperation of all other departments—and there is a broad range of departments involved in both RAMSI and ECP—is outstanding. I really do not think there is a great problem with whole-of-government coordination. I am confident, from where I sit, that the silos do not exist independently and work independently of each other. We certainly, in DFAT, spend a great deal of time and effort in making sure that that is not the case. In addition to the

weekly processes, we would call ad hoc interdepartmental groups together on big issues, small issues, whatever, almost on a weekly basis I would think.

CHAIR—Thank you very much. Questions? The chair of the joint committee, Senator Ferguson.

Senator FERGUSON—Mr Ritchie, I was interested to hear you say that the budget is in the black in the Solomon Islands. I have not seen a budget for the Solomon Islands for a long time, but the last time I can remember being told about budget strategies in the Solomon Islands was about three years ago, when they had a budget of about \$100 million.

Mr Ritchie—Yes.

Senator FERGUSON—I notice our estimated aid is \$223 million. I do know that back at that stage in their budget the education budget was \$18 million and they spent about \$1.6 million on education. Prime Minister and Cabinet was about \$8 million and they spent \$27 million on Prime Minister and Cabinet. I just wonder what sort of financial management and oversight there is on the budget and, if they have got a budget in the black, what percentage or roughly what ratio is that budget to the amount of aid they receive in relation to what they raise themselves.

Mr Ritchie—They certainly receive a huge amount of aid, that is absolutely true. I see my colleagues looking for the budget figures here, and I think your question goes also to the composition of the budget, whether it has actually been directed to services and so on. I think on both sides of the budget, revenue and expenditure, our RAMSI deployees have been tightening systems, ensuring that revenue actually flows into budget. A figure that comes to my mind, for example, is that fisheries revenue increased over the period of RAMSI's deployment, or maybe even in the shorter time frame, from something like \$SI4 million to \$SI30 million, and work in Customs is yielding corresponding results. I think you are seeing results on both sides.

There are fewer exemptions. For example, we have worked with the Solomon Islands government to make sure that customs and tax exemptions are not the sort of rort that they once were. Tightening up on revenue on the expenditure side enables money to flow through the services. I am not sure of the exact breakdown on education and health within the budget. I do not know whether Scott has that figure.

Mr Dawson—No, I do not have the specific figures, but certainly, with real growth now averaging close to five per cent, revenue has increased more than threefold and allocations in particular to health and education have more than doubled, so there has been a significant flowthrough, from better revenue collection to more targeted expenditure on basic service delivery.

Senator FERGUSON—The other issue I want to raise with you, Mr Dawson, is that you mentioned in your opening remarks the four plans. One of them was fostering economic growth within the region. It is a fact that there is not one country in the Pacific that could survive economically without aid. I cannot think of one, anyway. I think all of them rely specifically on some form of aid in order to survive economically. In what areas are you trying to foster economic growth? Each island, I know, is different, but it would appear as though it is going to

be a very difficult task in some of the countries because of the nature of their economies, and I am just wondering in what areas you emphasise economic growth in the aid program.

Mr Dawson—To begin, I am not sure necessarily that we would agree that all countries in the region are completely aid dependent and would not survive without aid.

Senator FERGUSON—Maybe I should say ‘would not survive quite as well’.

Mr Dawson—That is always an issue in Fiji, for example. Aid flows constitute a relatively small part of overall budget, but, because much budget in areas like health and education is directed towards salaries, there is very little left in those sectoral areas to support, for example, the delivery of pharmaceuticals or teaching materials, and often it is there where you will find contributions from donors are important for the effective delivery of those services.

To return to the issue of economic growth, I think we need to approach this in a number of ways. We need to approach it from the point of view of economic management, stable macro-economic policies, and also, increasingly, looking at areas of micro-economic reform and areas where there is good capacity to reform state owned enterprises, to start to move governments into areas where they really should be involved and out of areas which are properly the preserve of the private sector.

We need to look at areas like infrastructure development. In many countries, there is a lack of basic transport infrastructure to move goods from producers, who are often in rural areas, through to even internal markets, let alone any external market. That transport infrastructure is very poor and needs serious upgrading. That in turn, I think, leads to the ability to look at different approaches to rural development, approaches which really allow more people—where the majority of people live in rural areas—to be engaged in productive activities and to earn a sustainable income from those activities. And, of course, across the region we need to look at the human resource base, the skills that are held and how those skills can be used more productively in an integrated economy. They are some of the issues and approaches that we need to follow in looking at economic growth.

Senator FERGUSON—This committee is conducting an inquiry into virtually, for want of a better term, the effectiveness of the aid programs in the Pacific.

Who do you have that assesses the success or otherwise of the programs that you are running in aid in the Pacific? Who else does the assessing?

Mr Dawson—You may have seen at the time of the announcement of the white paper—and I made brief reference to it in my opening remarks—the establishment of an Office of Development Effectiveness. That office is now up and running. It is identifying a serious program of independent reviews and evaluation of aid activities. It is also developing a comprehensive performance framework for all Australian ODA, looking at the performance of aid in a series of individual countries, looking at the performance of Australian ODA across a range of key sectors. The annual reports on a country basis and annual reports on a sectoral basis will be brought together in an annual review of development effectiveness; the first such review we expect to be presented to ministers, and subsequently as a public document, in time for next

year's budget process. That comprehensive performance framework for all Australian ODA is the principal way in which we will now track and manage aid impact.

In addition, there has been a quite significant development in a much higher official level oversight of aid expenditures. There has been a body created called the Development Effectiveness Steering Committee that takes senior representatives from across a range of portfolios—Prime Minister and Cabinet, Treasury, Department of Finance, Department of Foreign Affairs and Trade, AusAID—and that committee has a particular mandate to look at all new significant strategies for involvement in aid expenditure in particular countries, to look at the integrity of performance measurement systems that exist within the aid program and also to oversight the development of new aid policies and programs, and to comment from the point of view of a range of senior government departments on the priority of those proposed new activities and the consistency with the framework which has been set out by the government in the white paper. So there are a number of new mechanisms which have been instituted since April last year and the launch of the white paper that go directly to the issue of measuring impact of Australian aid.

CHAIR—Thanks, Mr Dawson.

Mr SERCOMBE—Mr Ritchie, could you update us on what is now unfolding in relation to the review of RAMSI out of the forum leaders' meeting. It was my understanding, having been in Honiara towards the end of last year, that the Solomon Islands government was wishing to pursue a variety of aspects within that review, including the question of the immunity of non-policing personnel associated with RAMSI and also the provision within the facilitating legislation in the Solomons overriding any other aspect of Solomon Islands law. For example, that would have impacts on some apparent inconsistency between firearms legislation that is internal Solomons legislation and RAMSI's arrangements. Could you give us an update on where that process is up to?

Mr Ritchie—Sure. The forum basically set up two processes. One was a consultative forum which would involve RAMSI, the Solomon Islands government, and the forum itself sitting down. RAMSI had set up a consultative forum with the Solomon Islands government previously, which was scheduled to meet every quarter and exchange notes on how things were going, what the current issues were, and so on. It was thought that the forum could very well associate itself with that. In fact, it is the forum troika: it is PNG; Tonga is the incoming chair and Samoa is past chair, bearing in mind that Fiji has lost the chair of the forum. So that forum troika would sit down with RAMSI and the Solomon Islands government and look at current issues with RAMSI. That is scheduled to meet on Monday, the 12th.

Mr SERCOMBE—Where is the troika meeting?

Mr Ritchie—In the Solomons. That is a step forward, Mr Sercombe, and we welcome it very much, because I think issues can be aired there for other forum members to see, which I think will benefit RAMSI in the longer run. In terms of the review of RAMSI, which was the other process set up by the forum, the idea was firstly to agree on terms of reference for the review and then set up a group of people who would then conduct the review. Both those processes are still under way. The forum has put a number of terms of reference to the Solomon Islands government, did so two months ago, I guess—something like that—in that order, and the

Solomon Islands government has yet to respond to those terms of reference. That is a step that needs to be taken. The Secretary-General of the forum has not yet recommended to members the composition of the task force, so that process still needs to be undertaken.

We are very keen for that to get moving pretty quickly for the reason that I mentioned: in regard to the consultative forum. We think that there is every benefit for RAMSI to be reviewed—RAMSI has got a good story to tell—and for the broader forum membership to be aware of the issues that RAMSI currently is working on. In terms of the review of immunities, I suppose we would have to say that we would be interested to hear what the Solomon Islands government has got in mind in that regard. As you mentioned, the immunities, or the protections for RAMSI personnel, are encapsulated in Solomon Islands domestic law, and in this parliamentary setting there has been so far no foreshadowing that that act would be reviewed. As I say, we would be keen to hear what the Solomon Islands government would like to take forward in this regard, and sit down with them and see what is involved in all of that.

Mr SERCOMBE—Have the credentials of our new high commissioner been accepted yet, or is there still some issue with it?

Mr Ritchie—No. Our high commissioner will present letters to the Solomon Islands Prime Minister. The Solomon Islands Prime Minister has twice cancelled appointments that he has previously made with our high commissioner, so the high commissioner has not yet seen the Prime Minister. I should say that the Solomon Islands High Commissioner to Australia, His Excellency Mr Ngele, has seen our Prime Minister and presented an equivalent letter to our Prime Minister.

Mr EDWARDS—Mr Dawson and Mr Ritchie, you both gave fairly frank views about the future, emphasising the need for us to be patient. You also mentioned the need for us to be prepared for setbacks. What sorts of setbacks are you generally talking about?

Mr Ritchie—They are the sorts of setbacks that we have seen in the last year which I had in mind. We have seen rioting in Honiara, rioting in Tonga, a coup in Fiji, and a flight from PNG to the Solomon Islands which was quite extraordinary. I personally would not want to see a continuation of that because I think it has been a year of significant difficulty in the Pacific. I cannot see, looking out into the future, that that sort of pattern will continue. I think that we have to be concerned about Fiji: this is the fourth coup in Fiji in under 20 years and we need to be concerned that a coup mentality does not take place in Fiji; that people do not think this is the way you do government.

There are concerns, but, in terms of being able to predict what big setbacks there would be over the coming period, I would fervently hope that there would not be any of the sort that we have seen over the last year. But it is that sort of instability—civic disorder, if you like—and in the longer term there have to be concerns, as AusAID is well aware of and Scott has mentioned, about the capacity of Pacific island countries to grow economically and to take up the large number of young people coming into workforces.

Mr Dawson—The only things that I would add to Mr Ritchie's comments relate to the vulnerability of many of the countries in the Pacific. They do not have broad based economies. Their economies are relatively poorly set up to ride through and survive economic shocks. There

are positive growth rates in a number of countries at the moment—PNG, I think, is an example—which are significantly influenced by very high current commodity prices. A change in commodity prices could certainly produce a different sort of economic outlook. We see across the region that natural disasters can have a quite devastating impact on very small countries and very small economies. Also, oil prices always need to be watched closely for the possible economic shock that might come from those. There are a range of areas of economic uncertainty which could also impact negatively.

Mr SERCOMBE—Climate change in the region and the long-term economic impact?

Mr Dawson—It is obviously a significant long-term development issue.

Mr EDWARDS—I think, Mr Ritchie, you mentioned fisheries income.

Mr Ritchie—Yes.

Mr EDWARDS—To what extent is there a worthwhile fisheries management in place in the region?

Mr Ritchie—I have to preface this by saying I am not an expert in this. The forum has its own fisheries agency, which is well run and does a good job. Through our Defence Cooperation Program—something you might ask Defence about a bit later on—we have a patrol boat program throughout the Pacific. Even in Micronesia, which has a compact with the United States, we have Pacific patrol boats. Part of their task is to patrol the fisheries in the Pacific countries. I think the broad institutional arrangements are in place. We have equipped the Pacific island countries with a means to patrol their fisheries. We conduct exercises with the United States and France on fisheries surveillance, for example. I think it would be a brave thing to hazard that this was totally screwed down, absolutely tightly, but the general tools are there.

Mr CAMERON THOMPSON—Mr Dawson, when you were going through your opening statement, you referred to a list of challenges. One of those, significantly—to me, anyway—was lack of private sector investment or the need to encourage private sector investment. What kinds of direct strategies are we taking to encourage private sector investment? Are there any programs that encourage partnering between our aid and private companies in Australia that would seek to develop economic opportunities? Are we looking at such a thing? What kinds of steps have been taken in that regard?

Mr Dawson—I will get Judith Robinson to talk a little bit about some of our cooperation arrangements with the multilateral development banks, which is one significant area that we are currently working in. We do not approach issues of private sector investment principally from a perspective of needing to have development assistance programs to have that take place. Where government policies are sensible, where investors can see a degree of predictability from taking a sensible business decision and business risks, where the costs of doing business are not inflated by a poor security situation or by a very difficult and intense regulatory environment, in those sorts of situations I think the evidence is that you do see increasing interest in private sector investment activity—not just foreign investment but also, importantly, domestic investment. It is really the operating environment that governments set which is the key issue in determining private sector investment, but we have, over a long period of time, had a relationship with

organisations like International Finance Corporation and, increasingly, with other areas of the World Bank and the Asian Development Bank, where we have worked together on activities to encourage private sector growth.

Ms Robinson—With regard to the support that we are providing to the Pacific through the Asian Development Bank and the IFC, Mr Downer just last year announced that we would provide \$10 million to the ADB to support their work on the operating environment for private sector development in the Pacific. As well as that, Mr Downer announced a further \$12 million to go to the World Bank Group, the IFC, to support similar programs in enterprise development. In addition to that, we are at the moment giving some consideration to looking at other approaches to support enterprise development, but that is still in the pipeline and the answer on that is yet to come. The third area is that we do give a little bit of support to microfinance in the Pacific; we support several small agencies in providing microfinance.

Mr Dawson—There are some quite encouraging developments in the area of private sector activity around significant donor activity. If you look in years gone by at donor activity—for example, in road maintenance in Papua New Guinea—you saw most of the contracts for significant road maintenance activities being fairly large contracts which were put to international competitive bidding and were usually won by significant international companies. AusAID began some time ago to try to change that situation by looking at how we parcel up contracting activities for things like road maintenance in order to use community based approaches much more and to use small local contractors much more. Those sorts of approaches are producing quite a lot of dividends: more work from direct aid activities going to local contractors, more opportunities for small companies to do things like take out loans to buy pretty basic plant and equipment so that they can win those small contracts. We have been talking to the Asian Development Bank about that approach and they are now quite interested in that and are pursuing similar approaches, with our encouragement.

Mr CAMERON THOMPSON—Do you mind if I explore that a bit more, Chair? I want to find out if there is significant interest within businesses in Australia in trying to develop opportunities in the Pacific, if there are approaches from Australian companies to do it, because it seems to me that if there are problems with corruption and business culture, or with the lack of markets for what they have there—those sorts of things—that we need to develop these kinds of links. What kind of interest is there being expressed from within Australian businesses in the region and is that, in any way, being facilitated at the moment?

Ms Robinson—If I could make a comment on that: we do, through the aid program, fund a Pacific Trade Commissioner who works through Austrade. His role is to build linkages and provide opportunities for linkages between Australian investors and Pacific investors.

Mr CAMERON THOMPSON—That is very commendable. I am wondering what the level of interest is from within Australian business. How does that commissioner find the reception from within Australian business?

Ms Robinson—I am afraid I cannot give you details of that.

CHAIR—Ms Robinson, could you perhaps do that on notice? It is not something that I have had any contact with before and it is something quite interesting, I think. You said that you did not have any material with you.

Mr Dawson—We would be happy to put together a package of material around activities in that area of private sector investment.

Mr SERCOMBE—Chair, it might be useful also to include in that package something about the Pacific Islands Trade and Investment Commission. I think AusAID makes a contribution.

CHAIR—Okay.

Mr CAMERON THOMPSON—If it is better to do it on notice, by all means provide me with the answers on notice. I just wonder if there is, if you take the perspective of the Pacific aid commissioner, in dealing with the region and these problems of the need for private sector investment, basically a uniform approach being taken from our end or whether there are some areas that we can definitely make progress in and others that are just going to be a dead loss and that really we can't make progress on.

Mr Dawson—It is a very difficult proposition to try to pick winners between different sectors or different areas of commercial activity. I do not think that we would really want to try to do that. As we said at the beginning of the conversation, the environment that government policy creates across the region is probably the most significant thing in decisions on investment activity.

Mr Ritchie—Probably the other thing to mention, Mr Thompson, is the existence of business councils for businesses in Australia and in the Pacific countries themselves. The business councils may well be able to let you know what areas Australian business is particularly focusing on. Certainly the banks are very focused on the Pacific; a very good penetration of Australian banks in the Pacific; construction companies. There is a broad range of companies in PNG, for example, mining interests and so on, but the business councils themselves, I think, are acutely focused on this sort of issue.

Mr CAMERON THOMPSON—Can you explain the link with the Asian Development Bank and the International Finance Corporation? What is the way in which that framework works? How does our aid effort link into that and how does it then deliver outcomes?

Ms Robinson—We work collaboratively with those two organisations. They in fact implement a program of support and we work with them through a coordinating body that meets on a regular basis to set the directions and to provide some direction to the approaches that are taken.

Mr Dawson—Our assistance is provided in the form of a grant contribution to be managed by those organisations against a work program which we constantly discuss and update with those organisations. That work program covers work done, for example, on regular surveys of costs of doing business in individual economies—which is often a very powerful tool in dialogue with government about their own policy, and how friendly or not towards investment those policies are—through to work which is specifically with individual enterprises in developing countries in

the region that looks at their business plans and that helps them with really organising their business around sensible economic opportunities. So there is a range of technical assistance tools that are provided by those organisations that go through from things that assist advocacy on policy through to specific business assistance.

Mr CAMERON THOMPSON—When it comes down to it, the money that is allocated through the Asian Development Bank and the International Finance Corporation, what is the split between the amount of money that they are allocating in direct provision—with our support and some guidance—the amount of that money that is being provided in the provision of infrastructure and the amount which might go to business development type loans?

Mr Dawson—What we have been talking about, Mr Thompson, is principally private enterprise development work done by those organisations. The World Bank, the Asian Development Bank beyond that have very significant programs of assistance to most countries in the region, with infrastructure support being a pretty significant component of that. We could try to get you a little bit more information around that.

Mr CAMERON THOMPSON—Thank you.

Ms VAMVAKINO—To pick up on the comments that were made earlier about the need to persevere and to be patient, I do not have any experience with the Pacific island population, the people themselves. We hear a lot about their political elites. Could any of you offer an assessment of the people themselves and their attitude towards their future growth. Is there a culture of total aid dependency? Are they powerless? Do they feel that they can participate in the growth of their countries? Generally, what is the psychology of the people and how might they respond? That is important in terms of what we do as an international community. I often wonder what we are up against in relation to the very important issues of motivation and sense of empowerment or disempowerment.

Mr Ritchie—That is a big question.

Ms VAMVAKINO—I know it is. As I said, I do not have any experience of Pacific island nations at all. I have not been there and I have to rely on what one hears. I am just wondering what it is like on the ground.

Mr Ritchie—Most of us have been on the ground, I think, one way or the other.

Ms VAMVAKINO—Are you hopeful and optimistic and believe that we can actually help them?

Mr Ritchie—Absolutely. The first thing to say is that my experience has been with Polynesia and Samoa more than elsewhere. My current job leads me to think a lot about Melanesia as well. But certainly from my own experience, there is a very strong attachment to tradition in the Pacific and to family and to particular village groups—very strong connections there—which is actually a huge advantage in some ways because it is an amazingly efficient distributive mechanism for money that comes into the group. Because it is such a distribution mechanism and not really an accumulation mechanism, rarely is finance accumulated for capital expenditure. That is something that I have certainly observed.

But I think that people throughout the Pacific want a better life for themselves and their children, frankly, and they are keen to move forward. They are concerned about moving backwards, they are concerned about the socioeconomic trends in their own countries of large growth rates and falling or sluggish economic growth rates—large population growth rates, sluggish economic growth rates. That equation means diminishing per capita incomes and standards of living and that is of concern to people.

I think there is an acute realisation that that is a trend which cannot continue and has to be reversed. That is the sort of broad picture I can give you. The other thing is that throughout the region—with some exceptions maybe, and Fiji is the current one—democratic processes work really well. There is a very strong link between electors and the elected, and I think that tells in the long run. Responsiveness may not be as quick as in our system, but I think that eventually there is responsiveness to electors.

One of the problems is that in some of the electoral systems—Solomon Islands is one—it is a first past the post system in which there are a large number of candidates, and so you get candidates who actually succeed in elections with something like 10 or 11 per cent of the vote—small numbers—and the impetus to represent a large majority of your electorate is not there. PNG, interestingly, will introduce limited preferential voting at its next national election in mid-year, which holds out the promise of elected members feeling that they represent a larger number of their electorate and that democratic process and link actually working better in PNG. Those sorts of basic things, such as electoral systems and electoral processes, are something that, I think, eventually the Pacific will focus on.

Ms VAMVAKINO—What is the motivation for education? I am aware that collective cultures do not necessarily respond to the individual, making a go of it for yourself, because it is really very much about your collective. So young people, because ultimately they are the future, apart from feeling politically empowered, do they want to strive? I am trying to get a picture of what we are dealing with in relation to the younger generation, the future leaders of the Pacific islands. Are they motivated? Do they have opportunities generally: not the few that we come across. I am trying to get a general view.

Mr Ritchie—One of the things that strikes you when you first go to the Pacific—and invariably for some reason you arrive really early in the morning; that is the way the flights work—is that you come into the city and you see young kids going off to school in school uniforms: energetic, committed, enthusiastic about learning. That is a one-off observation. I think there is a keenness there to get on and it is not always the case that people who have good distribution mechanisms within the family actually do not succeed economically. That is not always the case. There are examples of groups who do succeed economically with that sort of approach.

Mr Dawson—I do not think that you could characterise people in the Pacific generally as wanting to maintain a situation of aid dependency. People very much want governments to do the job that governments should do, which is to set sensible policy settings and to deliver on their responsibilities, which is principally the delivery of basic services—health, education and law and justice. I think governments have throughout the region let their people down very consistently, and one of the challenges that all people interested in development in the region now face is how better to make that connection between governments and citizens. This is

something which we have been doing quite a lot of thinking about. I think there will be a lot more work announced on this in the future, but I might get Catherine Walker to say a little bit about some of the issues around which we are trying to do some planning and thinking on this connection between government and citizens and how that can be better strengthened.

Ms Walker—Thank you. It is a key initiative in the white paper that we look at what we can do to develop a greater demand from within Pacific island communities, in particular, because this program does have a focus on the Pacific: how we can build that demand for better governance and, I suppose, for better democratic governance in the sense of participation and accountability and transparency and so on. We already have a track record in supporting civil society engagement in a range of Pacific island countries and we also have a track record on trying to improve governance broadly through our support for institutional development and capacity development across the public and private sectors.

But, clearly, this is an area where we need to do more, because we do see in our conversations, particularly, I must say, with women, that the connection that they have with government and their sense that government in some way delivers for them and their families is quite remote. So somehow we have to look at the supply side and the demand side and see how we can support a greater engagement between civil society—very broadly, I mean; I include the media, I include churches and other non-government organisations and private sector organisations—and government.

This is not an easy area for an external donor to become engaged in, so we are picking our way carefully in developing this initiative and we are doing a lot of talking and listening, not surprisingly, with our counterparts across the region. But we would expect that there would be a focus in this program on continuing to support and to do more about civic education generally: what people and communities should expect from government, from their members of parliament. We would expect to provide more support to electoral systems and, in particular, look at support for parliamentarians and for women to enter parliament as members and, for those who do not make it, to support their wish to be a member of parliament. That is, we think, a really key area for engagement.

We are also looking at what we might do to boost our support for media and, in particular, across the Pacific, radio broadcasting, as a key way of communicating with populations that are very widely dispersed. In all of our sectoral programming—for example, in our large health and education sector programs, because most of these programs are, if not now embedded within the partner government systems, increasingly moving towards that—we are looking at how we might encourage government to be more transparent, more accountable, more open about what it is they are trying to deliver in terms of services and what communities should expect from governments.

There is quite a lot of experience in other regions broadly around this concept of social accountability. It is reasonably new thinking in the Pacific context, but we think that it will have some value and application there, and certainly our talks with civil society in the Pacific suggest that this is an area that they are interested in.

Mr Dawson—In the area of education, for example, there is a great deal of evidence from other developing countries that approaches that involve communities in the management of even

small amounts of funding for maintenance and materials for schools have a very significant impact on education quality. Governments tend generally to focus first on education access issues—getting boys and girls into school for a basic education—but often that sees budgets allocated primarily to teacher salaries, not much to basic maintenance of school buildings and very little to basic teaching materials in schools. The evidence elsewhere is certainly that even small allocations of funds put in the control of the representative community body—a school management board, for example—make a huge difference in terms of the responsiveness of teaching staff and the general quality of the education that comes out of those schools.

That is something which we are certainly very interested in pursuing with education authorities across the region—in PNG in particular.

Senator KIRK—The question I had follows on somewhat from what you have just been discussing, and that is the question of AusAID putting money into the region in order to improve governance generally across the board, which I think is a very good way to go. But I cannot help but wonder: how exactly do you measure progress in this way? Is it just as a consequence of stability of government or are there other measures that you use in order to work out just how effective the money has been?

Mr Dawson—Again that is a very broad question, and quite a difficult one to answer. It is certainly easier to track progress of development work in social or economic sectors, often, than in areas of governance. You can measure access and equity issues in schooling. You can look at rates of child immunisation and those sorts of things to get basic measures of performance, not just of donor partners but also of governments and their combined contribution to improving social indices. I do not think there are agreed comprehensive measures of effectiveness with governance, but there are, for example, international indices which cover some elements of that. Corruption indices, for example, are ones that we will be paying increasing attention to in our work to combat corruption. But I think often you need to look at measures which are somewhat down from the kind of broad sectoral area.

You need to look at, for example, the budgeting and expenditure performance of agencies. Do they set budgets which are linked to a sensible national development plan and a national investment plan? Do they spend those budgets on the things that parliaments agree they should be spent on? Are arrangements in place in organisations to audit expenditure on a regular basis and present those audits publicly and to parliament for the scrutiny of public and elected representatives? I think there are many measures which go to improving the performance of government across the board, and you really need to look in every individual country at a combination of those to get a sense for whether the standards and quality of governments are improving or not.

Senator KIRK—Does AusAID itself have any mechanism of attempting to measure these things? I accept that they are very difficult to measure, but is there any attempt to assess the impact of AusAID funds on the things that you have just mentioned?

Mr Dawson—There is certainly a range of work undertaken on that around performance frameworks—for example, our Machinery of Governance program in the Solomon Islands and work on performance frameworks in the context of the Enhanced Cooperation Program in PNG and in other countries. In answer to an earlier question about performance frameworks for the

aid program as a whole, I indicated that work on a comprehensive framework is now very well advanced and a couple of the major elements of that are annual country updates of development effectiveness and annual state of the sector reports across the main sectors of involvement of aid activity, brought together in an annual review of development effectiveness, so the framework for assessing the effectiveness of Australian aid is being worked on as we speak. A lot of work has gone into that. We feel that it is approaching international best practice and we will start to see the published results of that in next year's budget process. I think it is in those areas that we are likely to be able to pull together, in an accessible way, some of these different measures of performance in individual sectors, including in the broad area of improving governance.

Mr EDWARDS—Can I just, through you, compliment our witnesses this morning. I must say that your answers, and the direct way in which you have engaged the committee, have been most encouraging. At the hearing in October last year, one of the witnesses commented on the high turnover of DFAT and AusAID personnel, saying that within DFAT and probably within AusAID it is not generally seen as beneficial to a person's career if they stay in a job too long; there are now only a handful of people who have developed genuine Pacific expertise. That is perhaps an issue. Would any of you care to comment on the truth or otherwise of that statement, and is it possible that you might suggest some recommendations, if this is an issue, that this committee might consider.

Mr Dawson—Speaking certainly for AusAID, I have to say quite frankly that I think the statement that people see their careers as not being advantaged by working on Pacific issues is nonsense. I think any officer in AusAID working on international development issues would see it as an essential part of their career progression that they have had some experience working on problems of fragile, vulnerable states within our particular region—on PNG or Pacific issues—and we certainly encourage people in their career progression to think about different sorts of experiences and not to confine themselves to one particular area, but an important part of that is clearly work on development issues within our region.

It is true—and I think all public sector agencies face this—that there is a high degree of turnover in the public sector. There is no way of escaping that. Much of that is driven by individuals' career choices and the wish to gain a fairly broad range of job experiences. We create a degree of that turnover ourselves, at least in Canberra, by the need to post people to overseas positions, but one of the things that we are engaged in to try to manage this as well as possible is devolution of a lot of our basic program management functions to our overseas posts and overseas staff, because, if we want continuity in a position, we generally find in overseas posts that we have significant numbers of very qualified locally engaged staff who are with us for a substantial period of time and most people will be on a posting for two or three years doing the same job. We often find the continuity in our overseas management, rather than necessarily being able to keep a strong continuity in Australia. Good communication and record-keeping systems are really important to try to manage the inevitable turnover of staff. I certainly could not agree that people do not want to work on PNG or Pacific issues.

Mr Ritchie—Can I take the opportunity, Mr Edwards, to refute it from DFAT's point of view. I do not have the figures with me, but, frankly, I am thinking of people I know and, for example, the current high commissioner in the Solomon Islands worked in the Pacific Division before he went there. The high commissioner in the Solomon Islands came back to a job in the Pacific

Division. James Batley, for example, Special Coordinator of RAMSI, went as high commissioner in Fiji.

We really are building up, and have already, a great deal of expertise there and we are keen to get people back from posts and keep them in areas dealing with the Pacific for a period of time—one or two years—and work off their expertise. We have very good expertise actually in my division; people who have been in the Pacific and are coming back and working on Pacific issues.

Every three years people at posts will change, because we run a posting system, and every now and then of course we want fresh blood to come into the division from elsewhere, bring different perspectives from other parts of the department, and people will want to come in and do some of this what I consider to be exciting policy work on the Pacific. There is no doubt about that. So we will refresh people in the division every now and then. But that balance between drawing on expertise and refreshing with new blood, I think, is well struck at the moment.

Mr EDWARDS—To what degree does the person on the street know about or appreciate Australia's aid effort in the region? What stature does Australia get from our aid in the region?

Mr Dawson—This is the person on the street in Honiara or in—

Mr EDWARDS—Just generally.

Mr Dawson—In Australia?

Mr EDWARDS—No, on the ground in the region.

Mr Dawson—I think that people's appreciation of the work that is being done with Australian aid funds in a number of the countries in the region varies between different regions of the country. Certainly in PNG, the Solomon Islands and a number of other countries, there is very good awareness—for example, in rural areas—of the importance of Australian aid contributions, because for many basic services in terms of pharmaceutical supplies, health supplies, education supplies, people know that those things would in fact not be provided if it were not through Australian aid contributions. In the Solomon Islands, I think people are well aware that some of the first work that has been done in many years to rehabilitate rural roads would not be happening if it were not for RAMSI's presence and for the contributions of donors that RAMSI's presence has enabled.

There is a very active public diplomacy program that ourselves and the Department of Foreign Affairs and Trade pursue to try to make sure that there is information out there on things that are being done in individual countries. But in big countries with wide and dispersed populations there are obviously difficulties in ensuring coverage of that. It is variable and it is certainly an area where more effort is never wasted.

Mr Ritchie—Yes, I would agree with that, Scott. But I think that, overall, you would have to say that people really do appreciate Australia's role in the region at that grassroots level. That is, frankly, one of the things that we find to be a ballast for RAMSI—the fact that RAMSI is deeply

appreciated throughout the Solomon Islands, and you get that when you look at opinion polls. We do our own in that regard, and they come back and are very strongly supportive.

CHAIR—Mr Dawson, you failed to mention the badging with the red kangaroo, which I find certainly focuses people's attention when you are travelling in the Pacific, in particular. We are out of time and I have a couple of questions which I wanted to ask, so I might ask you to take those on notice.

Mr Dawson—Certainly.

CHAIR—There may be some other matters which we will send to you on notice. The first is about donor coordination and how we work with other countries in coordinating aid and contributions in this region, in particular. The second is about microfinance. I think Ms Robinson made reference to microfinance and, if you have a look at the submission that we received from, in particular, the Credit Union Foundation of Australia, who also appeared at our Brisbane hearing, they had some concerns about what they regarded as a low level of commitment from government to microfinance in the region and, I suspect, more broadly: but for the purposes of this inquiry, at least, in the region.

In relation to the discussion that you were having with Ms Vamvakinou about civil society and how to make that connection between governments and citizens, we have received quite a bit of critical evidence about Australia's approach on this matter, some of which we have taken up in discussion and some of which has gone through to the keeper because of time constraints. There are a couple of submissions and *Hansards* that you may want to have a look at: ACFID—Australian Council for International Development—was particularly, I thought, concerned about this matter. Also in our Queensland hearing, Max Quanchi and a couple of the other witnesses made observations about where they think there is inadequacy in terms of our focus and level of attention on that matter. So I would be interested in AusAID and the department's response on those.

Also, wasn't there a Pacific media initiative or a similarly-termed concept operating a few years ago? I wondered what its status was now, particularly reflecting on your observations about engaging with media. We may have some other questions to go on notice, but may I on behalf of the committee also echo Mr Edwards' remarks in thanking you very much for your assistance this morning. It has been a very productive session, in excess of an hour. We are very grateful for your attendance and for the submission of both the department and AusAID, and we would appreciate your assistance with those questions on notice.

Mr Ritchie—Thank you very much. It has been a pleasure.

Mr Dawson—Thank you.

[10.21 am]

FOSTER, Miss Stephanie, First Assistant Secretary, International Policy, Department of Defence

TAYLOR, Commodore Kevin Barry, Director-General, Pacific and East Timor, Department of Defence

CHAIR—Good morning. On behalf of the subcommittee, may I welcome our representatives from the Department of Defence to the hearing. Although the subcommittee prefers that all evidence be given in public, should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will consider that request. Although the committee does not require you to give evidence on oath, you should be aware that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the chambers themselves. Before we proceed to questions, I would like to invite you to make an opening statement. Thank you very much for your submission and we look forward to the discussion.

Miss Foster—Thank you. We are grateful for the opportunity to contribute to the inquiry. As we have said in our submission, Defence is actually engaged across the Pacific and, whilst our primary focus is on security, through those activities we contribute in some way to many of the areas that are of interest to the committee. Our Defence Cooperation Program is really all about working with regional security forces and with their defence organisations to build their capacity to contribute to their own national security but also to regional stability and security. The program has been running since about 1973. Fiji was the first country. It has grown to 12 countries across the Pacific islands, with the inclusion of Palau in 1995.

The centrepiece of our activities in the Pacific is our patrol boat program which David Ritchie referred to earlier. We have delivered 22 patrol boats between 1987 and 1997 and, having given them a life extension program to give them each a 30-year rather than a 15-year life, that program will run out through to 2027. Its primary focus has been on illegal fishing, helping the Pacific island nations monitor their exclusive economic zones, but we are currently working with them towards increasing the capacity to combat transnational crime. The countries also use the boats for national tasks—for disaster relief, for policing tasks and for support to other national issues like collecting ballot boxes through election periods.

The other ways in which we build capacity with regional defence forces are twofold. We have a pretty extensive training program in technical and military skills and in areas like governance, both within the countries themselves and in Australia, everything from two-week seminars to postgraduate degrees, and we find a very heavy demand for those courses. We also have an exercise program bilaterally with PNG and multilaterally across the region. The primary focus is maritime surveillance, but we also have a range of disaster relief activities we conduct. Finally, there is a strong focus on small arms security through the Pacific.

Over the last 10 years our budget in the Pacific has fluctuated between about \$30 million and \$50 million, with PNG receiving the lion's share of that, as a country, by some margin. Between

them, the Pacific patrol boats and PNG take up about two-thirds of our budget. This current year we are spending \$46 million. We have 66 personnel in the Pacific and we will train about 148 in Australia.

As my colleagues from AusAID and DFAT have said, this is a long-term program, a long-term investment, and it has peaks and troughs. We are seeing at the moment, clearly, a significant trough, having suspended our cooperation program with Fiji in response to the coup. There have, however, been some real successes that demonstrate the value of the program over the longer term, and there are three particular ones in PNG that I would like to highlight quickly.

The first is the PNGDF downsizing program. The PNGDF has, with our assistance, both financial and advisory support, downsized its force from about 3,300 to nearly 2,000. They have only a handful of people left to go to reach the target, to give them a force which is more sustainable and more appropriate for their security needs.

In the area of governance the PNG defence organisation has produced its first annual report for 15 years. We have also worked with them to help the production of a five-year corporate plan, which has been endorsed by the government.

The final area, and one which is really the culmination of the kind of work we have been doing, is the way in which the PNGDF has contributed to the RAMSI mission. The discipline and the professionalism that they have displayed has been absolutely terrific. RAMSI itself I would highlight as another success of the program of cooperation over years, despite the current challenges. The fact that we were able to work with regional countries to bring together a regional force to assist with one of our neighbours says a lot about the training that we have done over the period with the military forces. That was unique from an ADF perspective, in that not only were we leading a regional coalition with New Zealand in the Pacific but we were doing so in support of the police forces led by a DFAT officer, which was quite a challenge for us.

In Tonga we had a short deployment last year. Fifty-two ADF personnel went to Tonga under the tactical control of the New Zealand Defence Force, alongside the AFP, supporting and bolstering Tongan defence services.

Finally, in terms of small arms security we have done a lot of work constructing armouries through the region, having completed them in Fiji, PNG, Vanuatu, Solomon Islands. We have armoury projects under construction in Samoa and Tonga, and plans for Tuvalu and Kiribati.

I would like to finish with two points of clarification from our submission submitted in August last year. On page 6 we spoke of having 33 MSAs—maritime surveillance advisers. We now have only 31, with the suspension of Fiji from the program. And on page 7 in para 15, the construction of armouries in Tuvalu and Kiribati is yet to be progressed.

CHAIR—Commodore, did you wish to add anything?

Cdre Taylor—No, I have not got anything to add.

CHAIR—Thank you very much. Thank you for that, and for your submission, as I said. You will have heard questions from other members of the committee in the previous session about

how you measure the success of engagement and contribution, and I guess in some ways, Ms Foster, your citing of the development of the first annual report for the PNG defence organisation in 15 years is one way you would go about measuring how our engagement is actually working. Is that a reasonable observation?

Miss Foster—Yes, that is true. In many ways, because the defence activities are fairly practical and measurable, the measures of success are built into some of the activities. When we conduct training programs, for example, the members either pass or fail the skills that we are trying to impart. When we manage the patrol boat program, we have maritime security advisers present who are able to ensure that the patrols take place and that the target that we have set, which is a minimum of about 50 patrols per year, is achieved. Yes, there is a lot of inbuilt measurement.

CHAIR—On the question of the patrol boat program, in countries which are facing challenges to simply exist in economic terms, how do you ensure they can manage operating a patrol boat—fuel it, for example, and sustain it mechanically?

Miss Foster—The patrol boat program was a pretty comprehensive program in design and it has with it components to train the people in-country to operate the vessels. We provide logistic support. We provide fuel subsidies. We have, typically, about three advisers in each country where we have one or two patrol boats, and they ensure that the boats continue to be maintained and remain seaworthy.

CHAIR—They are Australian advisers?

Miss Foster—That is right, yes.

CHAIR—They form part of the 66 personnel that you said you have across the Pacific?

Miss Foster—That is right, yes. I think, of that 66, 31 are there in support of the patrol boat program.

CHAIR—And what roles do the remaining personnel across the Pacific have?

Miss Foster—Most of those are in PNG. We have 28 officers in PNG, and we have Defence attache staff in a number of the countries.

CHAIR—They are included as Defence staff, not Foreign Affairs staff, in this assessment?

Miss Foster—That is right.

Senator FERGUSON—One thing I was trying to put together when you were talking to us was: how close is the defence cooperation amongst our allies within the Pacific? In other words, how close is your cooperation with the New Zealand defence forces, and then, when you expand further, with the US defence forces? They have a Pacific command, but I am not sure that they keep their eye too closely on some of the Pacific islands.

I am wondering how close the cooperation is, and how relevant it is, because no-one sees any of the islands as a threat militarily, and it is really a matter of what sorts of cooperative defence arrangements can be made to keep us particularly well informed about outside sources that might be influencing some of those islands. What is the role of the cooperation between the various major countries?

Miss Foster—To take New Zealand first, it is very strong and very close. For example, we have New Zealand participants in the RAMSI IDC. Pretty much our first port of call when we have notice of a problem in the region, as a defence organisation planning a response, is to make contact with our New Zealand counterparts to ensure that our planning is going in parallel. Of course, in our recent deployments with RAMSI we teamed with New Zealand as lead and deputy lead of the military component to the mission. In Tonga we teamed together again, as two defence components, but switched the lead.

We have New Zealand officers integrated into our joint operations command, where the military operations are actually planned. We also have a series of working groups leading up to a ministerial forum, which look at areas like logistics, operational planning and communications. Those working groups meet throughout the year. I have a counterpart in New Zealand with whom I co-chair a biannual meeting to coordinate our activities, and a lot of that is focused on cooperating together in the Pacific. The defence attache staff in the countries in the Pacific also have very close relationships, so they will be cooperating in-country, as well as us doing it in our home countries.

Senator FERGUSON—Is there a US presence anywhere?

Miss Foster—Yes, there are DAs in PNG and Suva. With New Zealand, we are very comfortable that it is as close as it needs to be and that we operate very effectively.

Senator FERGUSON—What about the French? Do we have anything to do with the French?

Miss Foster—We have two particular areas with the French. We have an agreement, called the FRANZ agreement, with the French and the New Zealanders, which is about cooperation on disaster relief in the Pacific. We also have a quadrilateral meeting with New Zealand, France and the US, in which we try to coordinate or deconflict our activities in the Pacific so that we are not, for example, all sending a warship to the same country in the same month but, rather, spreading the impact of that out.

Just to quickly finish on the US, we have a number of ways in which we engage with the US and a number of policy dialogues and operational dialogues at which the Pacific is a topic of discussion. But on a practical level Australia participates in the Pacific command's planning for activities in the Pacific. So they have a US forum where they bring all of their components together to plan what activities they will do in the Pacific. That goes by the lovely name of TSCWG, the Theatre Security Cooperation Working Group, to which we send—

Senator FERGUSON—You are not bad at acronyms, are you?

Miss Foster—We're not bad in Defence! We send our folks to that working group to say, 'They're our programs in the Pacific,' and the US's approach is to try and fit in with what we are

doing in the Pacific rather than vice versa. What they are looking to us for is to say, 'Here are our overall objectives in the Pacific from a security perspective, here's what we're planning to do,' and they then try and build their activities around that.

Senator FERGUSON—Thank you very much.

Mr CAMERON THOMPSON—I wanted to get more information about the growth in the proliferation of small arms in various regions in the Pacific. What can you tell me about that? Are there particular areas or nations or locations that are of concern? Is it something that is trending up or down? I know we have had some very successful programs to do with RAMSI, where we have cracked down on that very effectively, but is this something that is trending up regardless in other locations?

Miss Foster—I do not know the answer to the question, sorry. I am just looking at Commodore Taylor to see if he does.

Cdre Taylor—Under the DCP, we place particular emphasis on weapons security and, obviously, ammunition. Australia does not provide ammunition to the region. We have provided blank ammunition to PNGDF for training exercises and the like. In terms of weapons security, we have done a significant job in the last two years in building armouries and magazines around the Pacific. In terms of stocktaking of weapons, we have worked very closely—particularly in PNG—with weapons stocktakes. We did a muster in 2002, and since then all those weapons have been destroyed. This was a PNGDF initiative, but we provided financial assistance and expert advice on how to go about that. As I understand it, there were 3,426 weapons recently destroyed. That is a significant reduction in weapons in PNG and, indeed, in the Pacific.

We undertake weapons audits throughout the Pacific, and at last count we do not think there has been an expansion of weapons proliferation, mainly because of our weapons security and the building of armouries and magazines. Had those armouries and magazines not gone ahead, then there could have been leakage of weapons from the police force or the defence forces in the region to whoever wanted them.

Mr SERCOMBE—Do the armouries that you are engaged in, particularly in PNG, envisage police weapons as well as PNGDF weapons?

Cdre Taylor—No, it is mainly the defence force weapons, purely on defence force establishments.

Mr SERCOMBE—Certainly, the work that has been done by an NGO in Switzerland—the name of which I cannot quickly recall—suggests that there has been a very significant proliferation of small arms, particularly in the highlands of PNG. Whilst significant numbers of those are home-made weapons, a significant number—particularly the military-style weapons—are regarded as leaking particularly from police armouries rather than PNGDF. It is a bit like having your finger in one hole in the dyke but three or four others are pouring water in. So I wonder about the effectiveness of you doing something about military armouries if weapons are leaking out of police armouries at a much higher rate.

Cdre Taylor—Can we take that one on notice and get back to you?

CHAIR—There are other witnesses we can pursue it with as well.

Miss Foster—We could take on notice the question of the proliferation of small arms. The AFP is in the best position to answer that question.

Mr SERCOMBE—It would be helpful in that context if you could address armouries in the context of a broader based strategy to control small arms, because armouries might be part of the answer but they are certainly not the whole answer.

Cdre Taylor—Going back to my previous answer to that question, in PNG we work with the defence forces and armouries but elsewhere around the Pacific—the Solomon Islands, for example—where we have put an armoury, there is no military. Tuvalu and Kiribati, where we are looking at putting them, are strengthening their present armouries. In Samoa we are in the process of building an armoury and magazine. They are police organisations, but in PNG, Fiji and Tonga it is only the defence force that we deal with.

Miss Foster—The sort of work we are doing with the mustering of weapons and the destruction of excess of weapons—and we have had a number of programs like that in PNG—is part of the solution. We are conscious that secure armouries is not it.

Mr CAMERON THOMPSON—Given the answers that you have given, what other sources of weapons are there, apart from stuff that is leaking out of the police force or the military in those locations? Is there just a general flow of small arms into the area or is it assessed that there is? If you want to, you can separate Tonga, Fiji and PNG from that and give me an answer on the two different sorts of cases.

You said you had the three with defence forces basically in place and then the others. Is there a general flow of small arms in and, if that is a concern, if that is happening in the places without defence forces and whether it is happening in places with them?

Miss Foster—We are going to have to take on notice the question of the flow of arms into the countries.

Mr CAMERON THOMPSON—What about the types? Beyond small arms, if there were other types of arms, has there been any evidence of any more serious types of weapons? We have had the celebrated recent case in Australia of talk about rocket launchers. Has there been any sort of evidence of that kind of thing elsewhere in the Pacific?

Cdre Taylor—With the weapons that we have actually destroyed and helped destroy, particularly in PNG, no, they have just been long arms and some short arms; but no rocket launchers or sophisticated weapons, apart from rifles and pistols.

Mr SERCOMBE—There was an incident I think in Micronesia, or maybe Guam, recently of fairly sophisticated weapons apparently being taken through Guam and Micronesia I think to Sri Lanka. There was some media reporting on that some little time back.

Cdre Taylor—I think by taking that question on notice we can answer that for you as well.

Mr EDWARDS—I assume that, when we are talking about armouries, we are talking about safe storage for military-use weapons. What is the general level of ownership of civilian weapons? Are you doing any work in that area?

Miss Foster—Our work is focused around the defence forces in the first three countries and then the police forces where there are no defence forces. It may be that our colleagues in the AFP might be able to answer that question about weapons in the community more generally.

Mr EDWARDS—I wanted to follow up through the chair. I asked a question about the level of appreciation and knowledge of Australia's aid program. Members of the Australian Defence Forces are renowned for the winning of hearts and minds in countries in which we have Defence Force personnel. Is that the same in the Pacific and how well badged are we? Madam Chair used the red kangaroo badging. Are we doing enough of that? Because this has an impact in the way our people on the ground are received and their credibility, are we doing enough to ensure that local people know of the contribution Australia is making to the region generally?

Miss Foster—I will let Commodore Taylor answer with some detail to that question, but I will just make a couple of general points. There are a number of programs that we run which get directly out to the community. There is an annual exercise we run in PNG, exercise Puk Puk, in which our engineers work with PNGDF engineers to construct things around the country. That is a very visible and tangible sign of not only the ADF but also the local soldiers contributing into the community and that is very well received.

Cdre Taylor—I highly agree with that. In my visits around the region—in PNG, particularly in military countries but also the non-military countries—I find that DCP is very well regarded. Indeed, I receive nothing but compliments from the senior people I deal with and that is the minister for police in many instances in the non-military countries. In the defence force countries, certainly the chiefs of the defence force that I have engaged with are very complimentary.

When I visit the various units, there are compliments on the DCP and I would suggest in PNG that is particularly so. They very much appreciate it because they can see the value of where the dollar is going. I do not think it is just platitudes. I think it is a genuine feeling of gratitude. Our defence attache in Port Moresby recently reported that Prime Minister Somare had actually complimented the Australian Defence Forces, the Australian Defence Organisation and the DCP program in New Guinea, so I think it is pretty well ingrained within the militaries and very much appreciated. That is for sure.

Mr EDWARDS—I raised a question in the previous session regarding fisheries management. How much of the activity of the patrol boats is spent on protecting fishing grounds and is this any sort of issue, or to what degree is it an issue in the region? I am happy to take that on notice as well.

Miss Foster—As I said before, the Pacific patrol boat program was built around fisheries protection and that is the bulk of their work. We aim for a minimum of 50 patrol days a year and most of that would be about fisheries protection.

Cdre Taylor—Yes, fisheries protection; at this stage.

CHAIR—You did say, Ms Foster, that there was an increasing role for the patrol boats in addressing questions of transnational crime. How is that balance working in terms of what they do and do not do? Mr Sercombe has other questions as well.

Mr SERCOMBE—I would welcome any elaboration you are able to give on the relationships between the ADF and the three—PNG, Fiji and Tongan—defence forces that are relevant to the region. In relation to PNG Defence Force, I would be very interested in the perception on command and control issues. I raise that against the background of the Moti matter fairly recently, where the PNG Defence Force was clearly involved in some peculiar activities. From a historical perspective, probably the most serious political crisis ever in PNG was the Sandline matter where it was the PNG Defence Force that was very close to staging a coup; so I would be interested in your perception.

In relation to Fiji, the Bainimarama matter is obviously on the record. This is not my view, but certainly it has been put to me by civil society people in places like Fiji that one of the disappointments they have is that perhaps a stronger cultural influence has not been exercised on the Fiji Defence Force by their relationship with the ADF and perhaps opportunities have been missed there to influence the culture of the Fiji Defence Force.

In relation to Tonga there has been, once again from Tongan civil society, a bit of review about the short intervention with New Zealand and a perception that our people are being used to prop up a regime that frankly ought not to be particularly propped up. It ought to be encouraged to evolve constitutionally. That is, of course, a policy matter for government rather than for the defence force per se. But from the point of view of the image of Australian soldiers in the region, I wonder whether from your perspective there are issues where our people might be seen to be supporting positions that may, in other circumstances, be rather difficult to support.

Miss Foster—That is a broad question. If I look first at PNG, we would contrast the kind of PNGDF we are seeing now operating in RAMSI with what we saw in action during the Sandline crisis. We think there is a significant difference in that force and the PNGDF is extremely well led by the current commander, PNGDF Commodore Ilau. You can see his influence on the discipline and performance of his troops.

The issue of the extent to which and the way in which the ADF can work with and influence the culture of another organisation is a complex one. Clearly what we are seeking to do is to focus on those areas which we think are most important in order to produce a professional, capable defence force without trying to place a cookie cutter Australian template over another culture, which would be wrong and would not work in those countries; and we go about that in a variety of ways.

One of the ways which is most effective, we think, over the longer term is the amount of training we do in Australia. When we have officers from PNG, Fiji or Tonga spending a year with our officers at our Defence College, learning the core skills of their trades, that is an opportunity not only to teach specific skills but also to have an extended period over which they can assimilate the kinds of values and cultural things that we think are important to produce the kind of force which is needed. That of course will not always be successful, and that is what we are seeing in Fiji—that we were unable to influence to the extent that was possible to prevent that activity taking place.

If we turn to Tonga, I think it is true to say even the Tongans were surprised by the events last November. The Tonga Defence Service is a very small service. The fact that they called for support and that we and New Zealand went to help them I think is a very positive thing; the fact that we were able to leave in such a short time is another really positive thing. It says that we have the sort of relationship with them that will allow them to ask for help but they have the capability which allows them to very quickly get back on top of the problem, with their police colleagues, of course, because riots are primarily a police issue rather than a defence force issue—internal security.

I think the balance that we are striking in building relationships which allow us to have a collaborative approach when needed and doing what we can to impart more than just military skills—culture and values and governance practices—is an effective approach.

Mr CAMERON THOMPSON—It might be easier, given the time constraints, if you answer this question on notice. You were talking about the Pacific patrol boat and its impact on fishing. Obviously the explosion of fishing incursions in the northern part of Australia has been a big issue. If we are experiencing that, similarly in the Pacific they are probably under immense pressure. What I want is some sort of advice as to whether that is occurring and whether these nations are facing a dramatic draining of their fishing resources because of incursions from foreign countries and whether, in light of that, more effort is required to try and protect their resource and to give them the ability to protect their economies from this kind of pillaging when they have very little resources to begin with. Has the patrol boat been superseded by the size of the problem or is it going anywhere near coping with the problem?

Mr EDWARDS—In relation to that, I did ask if we could take some of that issue on notice. If not, perhaps, Madam Chair, we might seek a separate briefing on those issues. I would be very interested to pursue this matter more broadly.

CHAIR—In the context of the observations about transnational crime.

Mr EDWARDS—Yes.

CHAIR—Ms Foster, Commodore Taylor, whatever you can provide to the committee on notice, we may then consider that and invite you to enjoy the pleasure of our company again in a further briefing. We will see how we go. If there are no further questions, I thank you both very much for your attendance here today and for the Department of Defence's submission. There are a number of issues that you have taken on notice and, if you would be kind enough to respond to the committee on those, we would be very grateful.

Miss Foster—Thank you.

CHAIR—The committee will take a break.

Proceedings suspended from 10.58 am to 11.06 am

BARRY, Ms Belinda, Acting Assistant Secretary, International Assistance and Treaties Branch, Attorney-General's Department

DUGGAN, Mr Kym, Assistant Secretary, International Family Law Branch, Attorney-General's Department

JORDANA, Mr Miles, Deputy Secretary, National Security and Criminal Justice Group, Attorney-General's Department

MORGAN, Mr Nick, Section Head, Anti-Money Laundering Assistance Team and Pacific Section, Attorney-General's Department

GRANT, Mr Garry, Director, International Operations, Australian Customs Service

CHAIR—On behalf of the subcommittee, I welcome representatives from the Attorney-General's Department. Although the subcommittee does prefer that all evidence be given in public, should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will consider your request. Although the committee does not require you to give evidence on oath, you should be aware that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the chambers themselves. I would like to ask you to make an opening statement and then we will go to questions from members of the committee.

Before we do that, though, I thank the department very much for a particularly comprehensive and detailed submission. Notwithstanding the amount of time I spend with the department, it has certainly opened my eyes in a number of areas about the extensive engagement that you have on some of these matters. Thank you very much for that.

Mr Jordana—Thank you very much, Madam Chair. Thank you for giving us the opportunity to appear before you today and to make some opening remarks. Firstly, with respect to the team that we have brought here—and, as you remarked, the spread of activity we have with respect to the Pacific is quite wide—it was a bit difficult to choose who we should ask to come with us today so that we could be most helpful. We have done our best but it does not necessarily canvass every issue that is handled in the submission, so we may need to take some issues on notice, I suspect.

For some years now, the Attorney-General's Department and our portfolio agencies have been working with a number of our Pacific neighbours with the aim of addressing some of the important challenges in the region's law and justice sectors. The government's recent white paper on Australia's overseas aid program has confirmed the significance of this work. As you know, the white paper outlines four key things for Australia's aid program: accelerating economic growth; fostering functioning and effective states; investing in people; and promoting regional stability and cooperation.

The assistance provided by the Attorney-General's portfolio contributes directly, in particular, to the second of these—fostering functioning and effective states—but we also believe that it has

a positive, albeit more indirect, impact on the other three. Certainly the white paper concludes that strengthening law and justice institutions and systems is fundamental to the development of a functioning state. The white paper also points out that Australian aid to the Pacific will continue to operate within very long time frames, with any change likely to be slow and incremental. This is an important point, underscored by recent events in several Pacific island countries.

While instability in the Pacific can undermine our aid delivery, we should not lose sight of the benefits that accrue over time, as law and justice and related institutions are strengthened. The white paper notes that regional assistance on law and justice is most effective when the work of Australian agencies, such as AusAID, the AFP and the Attorney-General's Department, is integrated. This whole-of-government approach to aid delivery is now an important consideration in our program design and delivery.

The assistance being provided by the Attorney-General's portfolio in the Pacific spans a wide range of activities. I will try and canvass a few of those here but I will not go into work being done by the Australian Federal Police, as I know that they are appearing before you separately. Our assistance includes direct technical assistance and training, such as that provided by the Anti-Money Laundering Assistance Team and the National Judicial College of Australia, as well as the Pacific Legal Knowledge Program. The money laundering team provides training and advice to Pacific island countries on how to establish systems to combat money laundering and terrorist financing. This often takes the form of regional workshops, followed by in-country mentoring. The National Judicial College runs various courses on issues such as judgement writing, sentencing and court craft.

The portfolio also provides staff to work in-line in law and justice agencies, and particularly we have several officers working as prosecutors, legal policy advisers, and Customs officers in Papua New Guinea under the Enhanced Cooperation Program. These staff undertake key functions in PNG themselves, while also helping to build the capacity of their work colleagues and the institutions in which they work.

The Australian Customs Service also has a PNG ECP assistance program; in addition, it has officers working in-line in the Solomon Islands under RAMSI. Customs supports this in-line assistance with twinning programs which give Customs officers from the Solomon Islands and PNG the opportunity to work in-line in Australia.

Our assistance to the region is also delivered through information sharing: the observer program for the Mercury 2005 counterterrorism exercise is a good example of this, fostering both learning and cooperation. Information sharing is also an important component of our library twinning program, which has developed ongoing relationships with organisations in the Pacific.

Another area in which we provide assistance is the provision of essential infrastructure or services. The database introduced to Pacific financial intelligence units by AUSTRAC is one example of this. Legislative drafting is another. There is a recognised shortage of drafters in the Pacific and, in the past years, the Attorney-General's Department has helped to fill that gap. We are now also delivering drafting training through the Pacific Legal Knowledge Program.

The Attorney-General's Department is also involved in policy development for Australia's aid program. We work closely with AusAID and other agencies in reviewing country strategies and formulating aid policy. In particular, we have been significantly involved with AusAID and other agencies over the past year in developing an anticorruption for development strategy, as envisaged in the white paper.

Madam Chair, I have a number of updates to the submission. I could read those onto the record, if you would like, or would you prefer us to provide them to you separately?

CHAIR—If you can table them, Mr Jordana, that would be fine.

Mr Jordana—We can do that separately.

CHAIR—Yes.

Mr Jordana—It is not quite in the right form yet, but it can be done pretty quickly. We can certainly have it shortly after lunch, if that is okay.

CHAIR—Thank you.

Mr Jordana—I will not read through those updates for you. But certainly our assistance program is evolving and there are changes happening all the time. In fact, as we speak, there is a meeting of the Pacific islands law officers group in Kiribati, and it would not be surprising if, coming out of that particular meeting, there will be further work that we will be involved with.

I would like to conclude by making a couple of observations about the assistance we are providing in our Pacific neighbourhood. First I think it would be fair to say that technical assistance and aid delivery is not one of the traditional core functions of my department, nor indeed, I would suspect, of several of our portfolio agencies. However, as you have pointed out, our submission demonstrates quite clearly that there has been both a substantial increase in our contribution over recent years and a fairly wide spread of activity, although we do need to keep that in perspective. By the standards of some other agencies, the quantum—if you were trying to put a financial figure on it—is relatively modest compared to some of the others.

We also have a number of tangible outcomes we can point to—for example, the introduction of key pieces of legislation in the region; the establishment of a functioning financial intelligence unit in the Solomon Islands; improvements in judicial systems across the Pacific; improvements in border security in PNG; and a growing capacity to deal with disaster management in the region.

As I mentioned earlier, and despite the recent troubles in the Pacific, these incremental improvements to the law and justice sectors do accumulate over time. We are confident—well, at least hopeful—that our efforts will assist in building robust institutions and that these in turn will underpin good governance and defend against corruption.

It might be useful if I end with a small example. We have done some modest work with the financial intelligence unit in Fiji. This unit is based in the central bank and collects and analyses reports about suspicious transactions received from banks and other financial institutions.

Despite what has happened in Fiji in recent times, we have been informed that that unit is operating as normal. That gives us some encouragement and also indicates that, despite some political turmoil or political flux that is taking place, our aim is to be able to influence particular sectors or particular sections of administrations or particular people within those administrations and hope that these things can take hold and continue to operate. That is just a very small example of something that has continued to operate despite some of the problems that have occurred, including in the bilateral relationship, obviously. Thank you, Madam Chair, for that opportunity. We would be pleased to take questions.

CHAIR—Thank you very much, Mr Jordana. I was, in fact, going to ask what the impact of domestic challenges in some of the partner countries is on your engagement. You have given us one example of the financial intelligence unit with regard to the Solomons and, further, in Fiji. Are there any difficulties that the department encounters in continuing engagement?

Mr Jordana—It would be wrong to say there are none at all, and it differs from country to country and from place to place. It also, dare I say, depends on exactly what program or part of our aid delivery we are talking about. Sometimes what we are doing might be sufficiently close to ‘the action’ that there might be some impact. In other situations, what we are doing is sufficiently distant from what is happening that the assistance can continue without any impact.

For example, in Papua New Guinea, not as a result of some of the recent issues but over the decision in the Wenge case, when part of the EC Program was seen to be unconstitutional, that did have some impact on the placement of our prosecutors and correctional people in PNG, and for a while there were some issues as to whether or not they could continue to effectively operate in kind of an in-line position. That has now been reconciled and they are now back working in the courts and in the correctional facilities. So, yes, it can have an impact and it does have an impact but, as I say, it depends very much on the program and its proximity to the action.

CHAIR—In relation to the observations you made about legislative drafting and activities in that regard, I have seen and had that raised with me as a problem in parliaments in the region. At the end of last year, after the parliament rose, I attended a conference at the Centre for Democratic Institutions in Samoa, and the story of the day was about an Australian participating in a legislative drafting program in relation to police powers, which was a surprise—a sort of morning news experience in beautiful downtown Samoa.

I have no idea whether the person was engaged in a program that the department was involved in, but it does lead me to ask: when Australian officials are engaged in exercises like that, which may have some domestic sensitivity—and this was about police and firearms—how do you manage that particular aspect of the engagement and the issue? A lot of your submission—for example, the parts to do with counterterrorism and anticorruption—also goes to dealing with domestic sensitivities. I know when it talks about even CT responses, whether the external assistance is a consideration—I have moved away slightly from drafting, but it goes to all of your work in some ways—you would need to go back to the PIF Leaders beforehand and so on, so it is quite a complex process.

Mr Jordana—I will try my hand at that but I might ask my colleagues to comment as well. Our approach to many of these issues is based, first of all, upon what some of the international models are, including those which are derived from UN or other international fora. A lot of the

work we do in terms of assistance in drafting legislation is based upon the implementation of model ways of approaching a particular issue. Indeed, many of the Pacific island countries simply do not have either the policy background or the drafting capacity to be able to translate, even if they wanted to, these notions into legislation and make laws.

We have a kind of international best practice type of approach to legislation of this kind. I take your point, but theoretically—or probably more than theoretically—some of those laws and the interaction with the community might indeed have some potential impact on some of the more sensitive issues that are taking place in a country. As I say, we try to take a best practice approach to that. I am not sure if that completely answers your question.

Mr Morgan—Following up on the point about the model legislation in the Pacific and your point, Madam Chair, about engaging with the Pacific Islands Forum, there were a couple of declarations by the forum—the Nasonini Declaration and the Honiara Declaration—around transnational crime and counterterrorism, and a lot of the drafting that the department has done with the Pacific has been implementing commitments that countries have already made in the forum. Particularly on the drafting front, that is right.

Mr Jordana—And often on the basis of international conventions too, or international approaches to these issues.

CHAIR—I do not want to lay the Samoan example at the feet of the department, but doesn't it ring a bell with anyone?

Mr Jordana—Not off the top of our heads, no.

CHAIR—I cannot let the moment pass with Mr Duggan here without asking a question about international child abduction, a key component of the department's submission. Mr Duggan, when I saw your name on the list, I thought, 'Well, this will be interesting.' What level of prevalence are we talking about in terms of this being a problem in Papua New Guinea in particular?

Mr Duggan—Our experience throughout the Pacific is that, generally speaking, there are very few procedures available for couples when these things occur. If we wait until they happen, then enormous distress is caused to left-behind parents in particular, because in many cases there are no procedures in place to deal with these issues. Secondly, Australia, as you know, is a major participant in the Hague Conference, and the Hague Convention is generally bringing significant benefits to Australia. That is the view of the Australian government. So we have an ongoing engagement with our Pacific neighbours about encouraging them to be partners or parties to appropriate Hague conventions, and indeed the Hague Convention on international child abduction is one of those. What we were really doing to some extent was scoping the problem.

We are not aware that it is a particular significant issue. Our dilemma is: what do we do in a situation where there is a left-behind parent in Australia and they ask us, 'What can we do?' and we say, 'We don't know'? That creates an enormous difficulty for those left-behind parents. That is in the nature of answering your question. I could not say that it is in the nature of the sorts of numbers we get with New Zealand or the United States or the United Kingdom. We have had some experience with Tonga, where people have been scrabbling to try and work out what to do

with these cases. So that is why we decided to engage with the relevant PNG officers and, indeed, with a view to the broader aspects we have about the Hague Convention and the Hague conferences.

Indeed, Australia will in June host a major forum, which will bring the Pacific islands, as well as other countries in our region, to Sydney to discuss membership generally of the Hague conferences, so it is part of that engagement.

CHAIR—Do you expect to extend the project—which I think is AusAID funded, as I read the submission—beyond PNG?

Mr Duggan—We have reported back to AusAID and have suggested to them that we would like to have some ongoing discussions with them about how we might consider further engaging not just necessarily on the question of international child abduction but perhaps a little more generally.

As you are probably aware, the Australian experience is relied on extensively throughout the Pacific for the development of family law, and the difficulty that we have is that to be able to provide that on an ongoing basis requires dedicated resources, so we are hopeful of being able to discuss that further with AusAID. It is also a question, however, of keeping that side of engagement very much in perspective with the perhaps more immediate issues that are raised on the other side of our portfolio. Clearly, issues about personal safety and international crime and what have you are greater priorities than issues of this nature, but certainly we maintain a dialogue. It was a very good experience, I think, for the PNG officers involved, if I can say that. They certainly enjoyed themselves, and, indeed, to have an opportunity to be in PNG and see how things are operating for them and to realise that there is a great need was very interesting from my point of view.

Mr SERCOMBE—Chair, Mr Jordana was referring to what sounded like some fairly incremental developments in the ECP relationship with PNG. I wonder if he would be able to give us a little more detail as to what the state of the relationship is at the moment. It was my understanding, certainly towards the end of last year, that there was some guarded optimism about having some sort of arrangement in relation to policing, involving a very limited number of advisers within the PNG constabulary, and possibly even a deputy commissioner. We can certainly talk to the AFP people about this, but I am interested in getting an understanding of where the process is up to, particularly the policing aspect.

On a more fundamental basis, I frankly remain a bit gobsmacked that we did not seem to fully anticipate the outcome of the Wenge matter. Far be it from me to claim to have any particular legal skills, but I would have thought that a fairly elementary reading of the PNG Constitution would have pretty starkly pointed out the probability of the sort of outcome the PNG Supreme Court arrived at in that matter. Nonetheless, we have gone ahead with what was, I think, on the ground in PNG a very popular deployment of AFP officers, but then we had to go to the extraordinary expense of withdrawing them, effectively, overnight. In terms of the processes of policy formulation, can you throw some light on how it would appear that we didn't seem to understand what was the likelihood, I would have thought, of the Supreme Court's decision on Wenge.

Mr Jordana—Firstly, with respect to the Australian Federal Police, I frankly have lost track personally of what the status of that was and where the issue has got to, so I would suggest you direct those questions to the Australian Federal Police. The Wenge issue, I will concede, is not my strong point, but let me have a go at that. The Wenge decision, I would have to say, was a surprise.

Mr SERCOMBE—Really?

Mr Jordana—And, as with many issues of legal interpretation, it could have gone either way. In answer to your comment that surely a simple reading of the Constitution would have alerted us to this, clearly that was not the case.

Mr SERCOMBE—But it was not as if it were a close decision. It was an overwhelming decision of the Supreme Court.

Mr Jordana—Yes. I am not too sure, I am sorry, Mr Sercombe. But certainly with respect to the positions that we were seeking to place into the PNG system with respect to our prosecutors, our correctional officers and our policy officers, that decision notwithstanding, we have proceeded with that. We have got our people working back in line positions again, and we have some further activity to expand the number of people placed over there, so we are continuing on irrespective of or despite the Wenge decision.

Mr SERCOMBE—Chair, could I raise the Julian Moti matter from the point of view of the way A-G is dealing with it? Clearly, in relation not just to the Solomons but to PNG and possibly Vanuatu, it raises a fundamental and complex set of issues.

CHAIR—That is true, but, Mr Sercombe, I am sensitive to the fact that one would hardly describe the matter as closed from Australia's perspective, so we do need to be circumspect.

Mr SERCOMBE—Yes. I would not be inviting anyone to make any comments about matters that are potentially before the courts, but I am interested in the processes that are being followed here, particularly with the government of the Solomon Islands, because my understanding—admittedly from sources in the Solomon Islands, which may or may not be particularly helpful—is that there in fact have been overtures to Australia in relation to a return and that there are several matters that they have wished to discuss, including the possibility of bail and the issue of protective custody. They were the two particular ones. On the face of it, they would not seem to me to be particularly complex issues to resolve if there was a willingness to resolve them in order to facilitate a voluntary return. Is that sort of information that has been provided to me from the Solomons accurate or not—I am not asserting it myself; I am simply saying that is what I have been advised—and is there any indication now as to whether a resolution to this matter can be achieved in that process? This has been a fairly poisonous chalice in relation to bilateral relations and it would seem to me important and in everyone's interests that it be resolved sooner rather than later.

CHAIR—I will ask Mr Jordana to address that as he feels appropriate, but I would say that to some degree I suspect they may have been questions better directed to the Department of Foreign Affairs and Trade this morning. Mr Jordana?

Mr Jordana—Certainly, to be frank with you, I did not prepare myself for detailed questioning on the Moti case. I do apologise for not having that detail available to me. Mr Julian Moti is an Australian citizen. He is wanted for prosecution in Australia for child sex offences that he allegedly committed in Vanuatu and New Caledonia contrary to the child sex tourism provisions of the Commonwealth Crimes Act 1914. A current warrant is in existence for the arrest of Mr Moti in Australia. Australia is seeking the extradition of Mr Moti to ensure he does not evade justice simply by crossing borders. The government's policy is that aid and technical assistance provided to the Solomon Islands and Papua New Guinea continues. That is the information I have available. I am sorry if that does not answer your question in the kind of detail in which you asked it.

Senator MOORE—Thank you for the extremely detailed submission. It is very helpful. My questions are to do with knowledge raising. You spoke about exchange programs and developing knowledge bases so that there is that linkage. Some of the work I do is with women's groups across the area and one of the things they raise is that sometimes they feel as though the gender balance in the knowledge development is not as strong as it could be. From your point of view as the providing agency or the facilitating agency for so many programs, is there any particular plan to look at ensuring that women from the various countries are participating in the scheme? One of the things we are interested in is the sexual violence process: are women's legal issues part of the development of training? And, from the reciprocal point of view, is there any discussion about the gender of the officers that we send to the countries and how that operates?

Mr Jordana—We do not have a specific program targeted at women particularly within our department. However, there are a number of programs that we do have which we do believe have a positive impact on the welfare of women within the Pacific—for example, the child abduction program run through the International Family Law Section. Certainly Pacific women are well represented in many of our professional development programs, such as the Pacific Legal Knowledge Program. The PNG ECP corrections advisers have also developed programs for female inmates.

One of the prosecutors in PNG under the ECP also voluntarily, which is very laudable, runs a free legal service for women in Port Moresby in her own time. While that is not directly part of what the department is doing, it is a spin-off of her placement.

Senator MOORE—It builds that knowledge, yes.

Mr Jordana—Also the department's work in helping in preventing people trafficking obviously has an impact on women, and certainly you would have to say that at a more global level to have a stronger law and justice sector, to have the rule of law bolstered, will have also a positive impact on women, hopefully by removing discrimination as part of the law enforcement processes. I hope that at least gives you some idea about the side of our operation that has a positive impact on women.

Senator MOORE—Professionally in terms of legal education, in the past it seemed to me that a lot of the Pacific areas looked at Australian law as a place to train and to get the best practice. There has been some discussion recently to say that some of that focus has moved to the US; that, through some quite significant marketing programs, US organisations have been saying, 'Come to us,' and that kind of thing. Because you are the professional organisation,

Attorney-General's in Australia, have you got any opinion about whether the development of the legal training of the various Pacific nations still seems to have a good link with Australia, to get the basic knowledge?

We have talked in this committee before about how there was a whole generation that seemed to be fully trained with a professional background in Australia. People then went back and took up both the public sector jobs and the political jobs with an Australian awareness, knowledge, fine feeling about that. There is some indication, more anecdotal than evidential, that that is not as solid as it used to be. So within the legal area, the people with whom you are dealing in the different levels in Samoa, Fiji and various Pacific nations, have been trained where? Do you know?

Mr Jordana—I had not heard what you have been saying, but that does not necessarily mean it is not true.

Senator MOORE—It is commentary rather than evidence.

Mr Jordana—Most of the people I have spoken to, both with respect to the legal area and other areas, tell me that our linkages are as strong as they ever have been and probably continue to grow. I was not aware of any leakage through to other places, but I can certainly take that on notice. If there is any observation we can provide on that, we will do so for you.

Senator MOORE—That would be good.

Mr Duggan—Just in relation to family law, for example, as I think I indicated, Fiji has recently passed a new piece of legislation which is very heavily reliant upon the Australian Family Law Act. Indeed, a former head of the legislative drafting area within the department was consultant to the Fiji government on the development of quite a bit of that material, so certainly in the area that I have any responsibility for there is still a lot of interplay between us and the Pacific countries.

Senator MOORE—Thank you, Chair.

CHAIR—Any further questions?

Mr SERCOMBE—Turning to the question of human rights and human rights institutions, obviously small Pacific states could hardly be expected to give a particular priority, I would not have thought, to some sort of human rights commission or some sort of human rights within their jurisdiction. I understand Fiji is the only Pacific island country that has a specific institution. I am wondering whether Attorney-General's, or associated agencies, has given thought to the potentiality for some sort of regional human rights structure, perhaps something on a micro scale compared to say the European human rights institutions, with the potential capacity for those small countries where a particular structure that would not be justified in their own exclusive jurisdiction might have some capacity to refer or delegate certain powers on human rights issues to a regional institution. Is that something that you are aware has been given any consideration, either within your department or any of the associated agencies?

Mr Jordana—I think we had better take that on notice. We may be able to provide you with a response on that. That issue rings a bell—perhaps not quite in the terms that you have put it—with a couple of us, so if you could bear with us, we will provide you with an answer to that on notice.

CHAIR—And we are seeing the Asia Pacific Forum of National Human Rights Institutions as the last witness in today's proceedings, so there is also some information there. One of the issues which has been raised with us by a number of submitters, and again in the context of our discussion with Foreign Affairs and Trade, has been civil society development and engagement. I think you made some passing reference to that, Mr Jordana, in your remarks. What sort of an emphasis does your department place on that and how do you think we might go about enhancing that part of our activity? It might be useful if I said to you that some witnesses—for example, the Australian Council for International Development—are concerned that we do not do enough in that regard and that we are letting the side down. I think scattered through your submission there are indications of a whole range of levels of engagement, but I wonder if you might make some comments on that.

Mr Jordana—You have caught me flat-footed there, Madam Chair, I have to say. Some things that we do obviously have an impact in the civil society area. It is not a way that we in the department conceptually view what we do and certainly I have to say, from my side of the shop, that is not quite the way that we conceptualise it, so I cannot give you a coherent answer.

CHAIR—Do you want to think about it?

Mr Jordana—Certainly we will have a think about it and get back to you if we do have something to contribute; but perhaps one of my other colleagues might be able to help out.

Mr Duggan—The extent of our engagement is pretty well outlined in our submission, particularly in relation to things like judicial cooperation. I certainly will go back and see what else we can provide to you, but I think the extent of the engagement, certainly from the other side of the department which I come from, is pretty well set out in our submission. I would be surprised if there were significant elements which I omitted.

CHAIR—If the committee were minded to pursue this as an issue, we might be interested in the department's views on potential.

Mr Jordana—It depends on your definition of civil society, too. We are doing work in the emergency management area, for example. That could certainly be depicted as strengthening civil society and I suspect that area of our operation is probably going to grow. We do have to be a bit cautious, as you can imagine. There are people who are doing tasks in the department, in which they are already quite occupied, and we lift expertise out at times and use that expertise to assist countries in the region. This is happening in the emergency management area, for example. We do have to be a bit careful that when we are doing that we are not taking our eye off the very important domestic work that we do in terms of protecting Australia from disasters, for example. So there is always a bit of tension there for us as to how we go about deploying our resources and using our resources to provide assistance to other countries.

CHAIR—Let me give you an example of what you might want to contemplate. We were talking earlier about legislative drafting and the engagement of Australian officers in that process. Part of the theoretically typical process here for a parliament like ours is for there to be a consultation process attached to the development of legislation which would normally include engagement with civil society in all its manifestations. I wonder whether the department would, for example, see some potential in talking to partner governments about that concept, when they are doing legislative drafting as well. You are drafting and you are training drafters and parliamentary counsel, I assume. It might not be a matter to which they would normally turn their mind, and here we take it for granted, but it is a useful part of growing and developing and enhancing a civil society.

You referred, Mr Jordana, to the Pacific Islands law officers group. I know that you as a department would have some engagement, for example, with law societies in Australia. Does that extend to what you do in the region? It is an important part of civil society. Ask any lawyer: they will tell you how important they are! Anyway, I just put those forward as a couple of ideas.

Mr Jordana—It strikes me, looking even at our own submission to you, that we have to try to become fairly targeted and have clear ideas about what we are trying to achieve. One of the difficulties in a lot of these processes is that there are many opportunities for us to make a difference, but if we spread ourselves too thin we will end up perhaps not making any difference at all, so it is not a matter of picking winners but certainly establishing priorities about how we should direct our activities. At the same time I take your point: we have had a pretty extensive experience with not only the drafting of legislation but also the passage of legislation through the parliaments, so are very familiar with those processes. Your point is well taken. Thank you.

CHAIR—And I think the point that has been made and that DFAT acknowledged this morning is that, to ensure that the constructive things to which we do make a contribution are able to be taken up in a comprehensive way and become part of the fabric of the countries with which we work, it cannot just happen through government.

Mr Jordana—No. That is certainly a very good point. It has to be specific to the country, and the fact that it does not happen just through government and that it has to be specific to the country makes it a hell of a lot harder to do.

CHAIR—There are no further questions. May I thank you, Mr Jordana, and your officers for appearing today and, as a number of members of the committee have commented, for the detail that you have been able to provide us in your submission.

Mr Jordana—Thank you, Madam Chair, and thank you to the committee.

[11.45 am]

JERRIM, Mrs Kim, Project Officer to National Manager, International Deployment Group, Australian Federal Police

JEVTOVIC, Assistant Commissioner Paul, National Manager, International Deployment Group, Australian Federal Police

CHAIR—I welcome representatives from the Australian Federal Police. Although the subcommittee prefers that all evidence be given in public, should you at any stage wish to give any evidence in private, you may ask to do so and the subcommittee will consider that request. The committee does not require you to give evidence on oath. You should be aware, though, that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the chambers themselves. I would like to thank you very much for the submission from the Australian Federal Police, Assistant Commissioner, and invite you to make some opening comments, and then we will go to questions from members of the committee.

Assistant Commissioner Jevtovic—Thank you, Madam Chair. On behalf of the commissioner of the AFP, I thank the committee for inviting and giving the AFP the opportunity to contribute to the inquiry. Since the tabling of our submission, the challenges of delivering capacity-building initiatives in the region have continued, if not increased significantly. I will run through a couple of key areas and give you an overview and an update from since we last appeared before the committee, and that may well generate further questions.

Not surprisingly, one is Solomon Islands. Whilst the media has painted a somewhat gloomy picture in the Solomons, the situation has served to further increase our resolve to continue to work towards making our mission to the Solomon Islands a successful one. That has required of us a higher level of flexibility as the challenges arise. We are obviously required to keep assessing those issues and coming back with strategies that we think can adapt to those challenges. Likewise, it is required that we enhance our level of whole-of-government and ensure that we continue to work closely with all the agencies that are delivering capacity building, particularly in the Solomon Islands.

Whilst the media has focused on some of the negative aspects in the Solomon Islands, there have been some success stories since we last appeared before the committee. We have recently had a graduation of a further 25 recruits. As we speak, another 30 recruits are going through the Solomon Islands Police Force academy. We have had the promotion of three executives, Solomon Islanders, all of whom have completed the leadership development program that was constructed by the AFP in partnership with the Australian Institute of Police Management. They have now assumed their roles, after the Public Service Commission adopted their promotions.

There is the establishment of the Solomon Islands Police Force crime information management system. Over 300 graduates have now completed driver training and, whilst driver training itself may not appear to be a priority, I know some committee members have travelled to the Solomons and would know that driving and accidents, even those committed by police, often result in fatalities in that country, so it was an important initiative in the context of the

police themselves being good drivers. We have gifted 27 vehicles to aid the Solomon Islands Police Force. We have opened a new multi-agency centre, which includes a fire station, at Noro in the Western Province, which has significantly increased the capacity of the Solomon Islands Police Force and fire brigades to fight fires outside of Honiara. Whilst, as I have said, there has been a gloomy picture painted, the work on the ground has continued unabated.

The committee would be aware of our response to a situation in Tonga in November last year. That response, while initially operational in nature, is now one of an advisory role. We currently maintain three people on the ground to advise the Tongan police force in relation to a broad range of police matters. We have also, on Monday of this week, a joint scoping mission between Australian Federal Police and New Zealand Police, supported by our respective aid agencies, and Foreign Affairs have also gone to Tonga to look at the future of capacity building of the Tongan police force and what our role may be in that regard.

You would be aware that last year the government announced a considerable increase to the International Deployment Group, both in our numbers and in our funding. I can report that that initiative is progressing well. Our first phase of recruiting has gone remarkably well. Equally, we are now able to look at long-term preparation of our people, particularly in the area of training for offshore and capacity-building missions. By way of example, our training curriculum has now increased from 15 days to 35 days, with a much larger emphasis on cultural sensitivity and human rights training. In fact, the human rights training now occupies five days of the training and preparation of our people. We now have a focus on coaching and mentoring, and that reflects the diversity of the work that we are required to do offshore. From being invited to be an intervention force, our officers can quickly find themselves in the role of coach and mentor and the training curriculum now reflects the diversity of that requirement. We have developed a human rights program specifically focused on delivering it to policing institutions in the region. It is now in its final stages and there is considerable interest in that program, so we look forward to progressing that in due course.

We reported to the committee last year that we were looking at incorporating Pacific island nations as part of our training faculty. I can report to the committee that that has now occurred, and we have intentionally had Solomon Islanders join our training faculty on three separate occasions. I have to say it has been an outstanding success.

Whilst the objective was to help build the Solomon Islanders' capacity in the area of training, we have learnt equally as much from them as they have from us, particularly in the areas of how some of the work we do and our presence is perceived by some of the nations in the Pacific. That has turned out to be a mutual learning opportunity. It has without question been a difficult period, and challenges have come before us, but we remain flexible and we continue to respond to those challenges.

CHAIR—Thank you very much, Assistant Commissioner. Mrs Jerrim, did you wish to add anything?

Mrs Jerrim—No.

Senator FERGUSON—Assistant Commissioner, you talk about your peacekeeping role in many areas in the Pacific. In fact, in the Solomons and in Tonga you were really involved in a peacemaking role as well as a peacekeeping role, weren't you?

Assistant Commissioner Jevtovic—Yes, that is right.

Senator FERGUSON—In your training, how do you distinguish between peacemaking and peacekeeping and how closely do you work with the defence forces so that you have an identical attitude towards both peacemaking and peacekeeping?

Assistant Commissioner Jevtovic—Our responses to situations are evolving. We all continue to learn from the challenges that are put before us, but it would be fair to say that the last two years have obviously seen a spike in the nature and diversity of the kinds of responses that we are required to provide. In our training we remind our people of a number of things. First and foremost, we are only in countries where we are invited to be and we are only undertaking the roles that the sovereignty of that country agrees for us to undertake.

When I have my executive address our training teams, it is a pendulum of delivery, starting from the worst-case scenario, where we are armed and we are required to deliver law and order—the situation you would have seen in the Solomons and in Timor last year—and then, as the pendulum comes back, we can be armed and only be in advisory roles to the local law enforcement, where the local law enforcement has not totally collapsed. As the pendulum continues, we can be then unarmed as mentors, as advisers and as coaches to local establishment and then, further, we are there delivering training initiatives and capacity-building projects to the local law enforcement.

So there is a wide range, and our curriculum has now changed to address the fact that the environment will change in these countries and our officers need to be flexible and adapt to those changes. In some countries, whilst we move into being in an advisory role, the security situation requires that we remain focused on continuing to be armed, unfortunately, in some places and continuing to be focused on the wellbeing of ourselves, of our people and of the community. It is a difficult area, but I think we have learnt considerably over the last couple of years. The Honiara riots and our response was an immense learning opportunity for us. Our responses to Timor and Tonga have also served as important learning.

Senator FERGUSON—You also talk in your submission about developing your relationship with private contractors and consultants in the law and justice area.

Assistant Commissioner Jevtovic—Yes.

Senator FERGUSON—What types of private consultants and contractors are you talking about?

Assistant Commissioner Jevtovic—Delivering police capacity building is really broad, and there are some areas where it might be cost effective for a well-equipped private contractor to deliver that training—for example, in some Pacific island nations, training in relation to statement-taking and notes made by police et cetera. To have AFP officers doing that might not necessarily be cost effective, so there are contractors—

Senator FERGUSON—Just private firms?

Assistant Commissioner Jevtovic—Private firms who have former police or people quite skilled in that area. So we will look at that as just a smart business decision to make. That is really the background to the use of contractors.

You asked about the ADF relationship. Again, the last two years have seen quite an involvement in our relationship. Clearly, we have been required to respond to situations together or with one being led by the other. The relationship has evolved immensely. We have a number of initiatives—joint exercises and the exchange of officers within our two departments—now, so we are responding to what the environment is telling us it is likely to be for the future. Our two agencies are much more closely compatible in our operational capabilities.

Mr EDWARDS—Following up on one of the questions from Senator Ferguson, are any of those private agencies private security providers?

Assistant Commissioner Jevtovic—No, not to my knowledge.

Mr EDWARDS—Can you give us an update on where the ORG is at the moment.

Assistant Commissioner Jevtovic—The Operations Response Group, for the benefit of the other committee members, is obviously an important part of the future strategies as announced by government. It has been quite successful in its first stage of recruiting. We have progressed down the path of building its capabilities as a priority, so we have grown in numbers. The infrastructure surrounding the ORG has been well under way. From our perspective, it continues to be a priority in delivering that capability. The end objective is, of course, to have a capability of around 150 specialist-trained tacticians who will be able to respond as a rapid deployment capability. They will obviously be closely compatible with our ADF colleagues and they will be on a very much ready-to-move status here in Australia. We are very happy with how that has progressed.

Mr EDWARDS—What are the numbers of trained officers of the ORG at the moment?

Assistant Commissioner Jevtovic—We are in the middle of the recruitment, which we started at the beginning of this year. We are at 30, and I am well aware that the recruitment has progressed. To give you an exact number would be difficult, but I could take that on notice.

Mr EDWARDS—Are you poaching these people off the states, or where are you getting them from?

Assistant Commissioner Jevtovic—‘Poaching’ is a very harsh word.

Mr EDWARDS—I have heard some of my state colleagues use harsher words.

Assistant Commissioner Jevtovic—The situation in relation to all the positions is that clearly there is a need for this capability. We have endeavoured to look at all options in how the capability can be best delivered, and we are now undertaking national recruitment campaigns. We do not target any organisation or any jurisdiction or any specific state of Australia. They are

national advertisements, and in this country we are obliged to accept and consider interest and applications from anybody from anywhere.

Mr EDWARDS—I am interested in the application of this group, because what we are really talking about is a TRG type of organisation. This was announced last August. How come you have only just started recruitment this year?

Assistant Commissioner Jevtovic—We started recruitment very early this year.

Mr EDWARDS—It is still very early this year; we are just into February.

Assistant Commissioner Jevtovic—Yes.

Mr EDWARDS—Where will this organisation be based?

Assistant Commissioner Jevtovic—That is still the subject of ongoing considerations.

Mr EDWARDS—In Australia, though?

Assistant Commissioner Jevtovic—In Australia, yes, very much. Canberra is an obvious hub, but we are still considering possible locations on the eastern seaboard.

Mr EDWARDS—Will the focus of this group be as needed for hostage type situations, for protection type situations for Australian personnel and Australian tourists? What generally is its role going to be as far as that goes?

Assistant Commissioner Jevtovic—The specific focus of the ORG will be to respond to operational situations offshore as directed by government. For example, in relation to the Timor response, you would have seen the level of difficulty in the Timor situation, and that requires a level of response above what you would call normal policing. The tactical capability of the ORG proved to be very important in that situation; a situation which, as you would probably be aware, was not only for a period of three or four days but was ongoing for the whole six or seven months that we were in Timor. Clearly, that heightened level of capability required is really what the ORG is about.

It really is about our offshore deployment, tactical capabilities in those kinds of missions, the security of our people who serve in those missions, and the capacity of the ORG to provide that as well.

Mr EDWARDS—Will they be deployed only by invitation?

Assistant Commissioner Jevtovic—The AFP has only ever responded anywhere by invitation and, of course, at the direction of our government.

Senator KIRK—Thank you for your submission and comments here today. I am sure that you would be aware of the current SBS four-part series about policing in the Pacific. Part 1 of the program talked about the prevalence of rape and child abuse and that often these crimes are not reported, or perhaps they are dealt with, shall we say, by traditional means rather than through

the formal legal system. Does the AFP have any role, perhaps in partnership with the local police, in trying to deal with these things through better kinds of methods in order to combat this terrible crime?

Assistant Commissioner Jevtovic—Most of the members of this committee have been involved in this area for a while now and know that that is a very difficult area. But I think the program highlighted one of our approaches. You would recall one of our officers, under the leadership of a Royal Papua New Guinea policewoman, going from village to village around the Solomon Islands and on the Weather Coast and sharing the difficulties with the local communities—that those kinds of crimes are not acceptable; that those kinds of crimes must be, and should be, reported. But you would have also noted the frustration in that series; of the unwillingness for people to give evidence. That continues to be a significant challenge.

So we continue to try to reach out to communities and we are sensitive to the cultural issues that surround this. But, as you saw in that program, as sensitive as we are, we do not back off from those issues and obviously the choice of having a senior Royal Papua New Guinean woman and an Australian police officer together was not coincidental. It really is about outreaching; it is not about being in places like Honiara; it is about reaching out into the communities in the provincial areas. They are the kinds of strategies that we do use, but it is difficult.

Senator KIRK—I am also aware that, I think, in PNG when young people are arrested they are often subjected to beatings and that kind of stuff within the police station itself. Is this something that you are aware of? Is there any role that the AFP can play there, perhaps in training or whatever it is, in order to try to combat this kind of abuse as well?

Assistant Commissioner Jevtovic—Obviously wherever we are present we would ensure that that did not occur. But, as I mentioned, there is also the human rights training program. Whilst there are a lot of human rights initiatives around Asia and the Pacific, one of the reasons that we designed one particularly for police was that we got a sense that police were not as participative in the region in some of these programs because they were designed at the public sector. We designed the program to raise the level of human rights issues with our counterparts around the region, and we think this program will be a good vehicle by which we can do that.

I suppose our ongoing learning is about how we can be most effective in delivering some of these messages. Clearly, putting a manual before someone in a training room is not going to be the answer to the problem. It is about combining: giving them the facts and what human rights is all about, and trying to then make our delivery relevant to that country and that culture. Whilst we have a fundamental template of the program, there is also a considerable level of flexibility where we design it for the relevance of that country.

We have found that to be more effective when you actually engage the NGOs, the national women's group and consultative council in the Solomons, for example. We are heavily involved in some of the development of our training programs there. The buy-in is important and, if we can demonstrate that the programs have been developed by and for the nation we are in, we find that it is more effective. So we will continue down that path.

Mr SERCOMBE—Assistant Commissioner, the A-G's people were not able to give us an update in relation to policing aspects of the ECP with PNG. As I was saying to them, my understanding from towards the end of last year was that there was some evidence of progress in relation to deploying some police advisers and the possibility of a deputy commissioner. Are you able to update us on that?

Assistant Commissioner Jevtovic—Yes. I can say that the matter is the subject of ongoing government to government discussions.

Mr SERCOMBE—It sounds like *Blue Hills*!

Assistant Commissioner Jevtovic—All I can say is that the current status is that it is the subject of ongoing government discussions.

Mr SERCOMBE—So there is no deployment yet?

Assistant Commissioner Jevtovic—No, there have been no deployments.

Mr SERCOMBE—Chair, I have had the opportunity observe Australian police on deployment in the Pacific on a number of occasions. I have to say that I am always extremely impressed with what our people do, so it is against that general background that I want to raise a couple of specific matters. Certainly in the Solomon Islands, the incident around the raid on the Prime Minister's office in Honiara, in which RAMSI people participated, generated I think an extraordinary amount of heat. I can understand if you do not want to comment on operational issues but, nonetheless, from my limited collection of information about it, it seemed to me on the face of it to be perhaps slightly undiplomatic—perhaps more than slightly—and may well have set back the opportunity for some improvements in broader relationships. If you are able to comment on that, I would be grateful.

I think there is also a view—which I do not share but it comes fairly strongly from the Solomon Islands government—that the reaction to the Australian position in relation to inquiries into the events around the riots of last April shows an excessive defensiveness on the part of possibly the AFP. I would be very interested in any observations you would care to make about what our approach is in relation to the possibility of that inquiry, which I gather is now going to proceed, headed by a PNG judge.

The final point, which is not just the Solomon Islands issue but one which seems to me to be broad across the region, is a concern about what is seen as an Australian domination of police commands in the region. There has been the Shane Castle matter, there has been the Andrew Hughes matter, but I think there are Australian chiefs in both Nauru and Vanuatu—correct me if I am incorrect. Whilst that might be inevitable, given the size of Australia and the expertise of Australia, what observations do you have about perhaps some opportunity for a broader range of people in senior levels of policing?

CHAIR—Assistant Commissioner, given the breadth of the questions, if they are not questions that you feel in a position to answer today, then please by all means take them on notice to refer them to the commissioner.

Assistant Commissioner Jevtovic—Thank you. In relation to the matter involving the Solomon Islands Prime Minister's office, that is a matter that is the subject of legal process in the Solomon Islands, so at this point it would be inappropriate to comment.

Mr SERCOMBE—Fair enough.

Assistant Commissioner Jevtovic—In relation to the riots in Honiara, there has been considerable commentary from various people in relation to that. I suppose the key thing for us was that the response to what was an extremely difficult situation was one that, whilst there was damage to property, the fact that there were absolutely no fatalities in that situation highlights the professionalism by which Australian, Pacific island, New Zealand and Solomon Island police forces responded to that matter and, because there were no deaths—either civilian or police—to me shows the level of restraint that our people are exercising in these situations. Clearly, the situation could have warranted a much different response. So the level of restraint that our people are showing, I think, is to be commended. I think it highlights our genuine and sincere willingness to help these communities and, if anything, we are so conscious of that, that the level of restraint shown is unprecedented.

In relation to the riots, whether we provide any evidence or appearance to the commission of inquiry is of course a matter for our government. Obviously the AFP will be guided by any decisions made in that regard.

In relation to the Australian police commanders, obviously, yes, there have been a number of Australian police officers who have held police commissioner and police commander roles. Again it is important to note that these are always at the request of those sovereignties. We apply a flexible approach to these requests. I can say that there are other requests for similar kinds of secondments, but the AFP looks at these things in their entirety. The way we are combining with New Zealand to look at the needs of Tonga, for example, highlights that we look at a broad range of responses rather than just limiting ourselves to putting an Australian police officer in an in-line position.

We also are very focused on building local capacity and making sure that any response that we have to these sovereignties is a sustainable one. So from our perspective, wherever we can, we would obviously prefer to see a local officer occupy these roles and help build and develop those officers, but there are occasions where the sovereignty themselves are very clear on what they require and we assess that requirement. Again, it is very much whole-of-government here. We look at all the issues and we respond accordingly.

We are in Nauru as the police commissioner. Bob Lehman, a very experienced senior AFP officer, has just recently taken up that position. However, we are not the commissioner in Vanuatu.

CHAIR—Thank you very much. We are about out of time. I did want to say, Assistant Commissioner Jevtovic, that there are two aspects of the submission—the nexus between aid delivery and international policing and the model for police involvement in aid delivery—which I think are very useful for the committee in the consideration that we are engaged in here. We have not had very much time to pursue them today because we have pursued other areas, which is often the way. But if we wanted to place some questions on notice in relation to those,

hopefully you would be able to assist us with further information. In relation to table 1 on page 8 and figure 1 on page 9, are they both AFP concepts? They are not footnoted as belonging to someone else or coming from somewhere else.

Assistant Commissioner Jevtovic—Yes.

CHAIR—They are developed within the AFP?

Assistant Commissioner Jevtovic—Yes. We will not take all the credit for the concept, but we have stolen various concepts—

CHAIR—Borrowed, I am sure, Assistant Commissioner Jevtovic.

Assistant Commissioner Jevtovic—Borrowed, of course. I have said I think in answer to other questions, there is no real benchmark anywhere in the world for the work we are doing.

CHAIR—They are quite interesting.

Assistant Commissioner Jevtovic—It is an evolving process about how we look at the level of response and the nature of response. So, yes, we have borrowed a little bit from a few areas and come up with our own concept.

CHAIR—Thank you for that and thank you very much for the submission. It is very helpful to the committee. Thank you both for appearing this morning. We will be in contact if there are any other matters to go on notice.

Assistant Commissioner Jevtovic—Thank you, Chair.

[12.20 pm]

FITZPATRICK, Mr Kieren, Director, Asia Pacific Forum of National Human Rights Institutions

CHAIR—I welcome our final witness for today. Although the subcommittee does prefer that all evidence be given in public, should you at any stage wish to give any evidence in private, you may ask to do that and the subcommittee will consider that request. The committee does not require you to give evidence on oath, but you should be aware that the hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the chambers themselves. Mr Fitzpatrick, would you like to perhaps make some opening comments to the committee and then we will go to questions.

Mr Fitzpatrick—Thank you, Madam Chair. It is a pleasure, as always, to be here. The Asia Pacific Forum has not submitted a written submission to this inquiry, due to the lack of capacity within the secretariat to respond at the time of the written submissions, but I will be making reference to a variety of documents that have been produced by the Asia Pacific Forum and, with the leave of the committee, I would like to be able to submit them post my oral submission.

CHAIR—Thank you very much.

Mr Fitzpatrick—I would like to provide a brief oral statement and in particular focus on the following areas of your inquiry—that is, the strengthening of law and justice, the public accountability institutions and the anticorruption and good governance measures. My oral statement will focus on two areas. First, in the absence of a written submission, I would like to provide you with a very brief overview of the Asia Pacific Forum and secondly, then, to focus specifically on our activities within the Pacific.

Moving to the first area, the Asia Pacific Forum of National Human Rights Institutions is a regional organisation comprised of national human rights institutions, which you are clearly familiar with. As you know, they are specialised institutions, most commonly called human rights commissions, normally established by a constitutional provision or parliamentary legislation, and they have generally mandates to the following types of things: receive and act upon individual complaints of human rights violations; promote conformity of national laws and practices with international human rights standards; promote human rights awareness through education related programs; submit recommendations and proposals to the parliament or to the state or, in fact, any other competent body for their consideration and potential action; and encourage ratification of international human rights treaties.

I think these national human rights institutions are making important contributions to the protection and promotion of human rights within the region. Indeed, it is a bit of a growth industry in the Asia-Pacific region generally. However, many of the new institutions generally lack the human and sometimes the financial resources to perform as effectively as they could. This is where the Asia Pacific Forum comes in. It is a regional organisation that was established in 1996. The first meeting of it was held in Darwin, Australia. We provide an opportunity for a

sustained opportunity for the institutions to learn from each other. It is very much a peer professional network.

We have seen quite a rapid growth in the expansion of our membership. We started with just four institutions in 1996 and we are currently up to 17 institutions within the region. I will list those. They are: the Afghanistan Independent Human Rights Commission; the Human Rights Commission of Australia; the Fiji Human Rights Commission; the National Human Rights Commission of India; the Indonesian Human Rights Commission; the Jordanian National Centre for Human Rights; the Human Rights Commission for Malaysia; the Human Rights Commission for Mongolia; the National Human Rights Commission of Nepal; the New Zealand Human Rights Commission; the Palestinian Independent Commission for Citizens' Rights; the Philippines Commission on Human Rights; the National Human Rights Committee of Qatar; the National Human Rights Commission of the Republic of Korea; the Human Rights Commission of Sri Lanka; the National Human Rights Commission of Thailand; and finally the Provedor for Human Rights and Justice of Timor-Leste or East Timor.

In addition to these pre-existing institutions, a number of states within the region have announced that they will either establish or strengthen an institution to become fully compliant with international standards to create a national human rights commission. These include the states of Bangladesh, Iran, Iraq, Japan, the Maldives, Pakistan, Papua New Guinea and the Solomon Islands.

For us, the governments of the region, whether they have or have not established a human rights commission, can be associated with the APF as observers. We also provide observer status to UN agencies and non-governmental organisations. I am very pleased to state that AusAID has provided funding to the Asia Pacific Forum since our inception and we currently receive an annual budget of \$A600,000, which is approximately 30 per cent of our budget at the moment. Of this \$600,000, \$100,000 has been directed towards specific Pacific activities. AusAID has requested that it be focused on activities within the Pacific.

In relation to our activities, we take a wide range of activities. Generally they are either regional or in-country. We have very much a practical focus. We look to practical outcomes and I think they generally can be categorised under three broad headings. Firstly, we strengthen the capacity of our pre-existing members to do their jobs as effectively as they possibly can. We assist governments and non-government organisations to establish new national human rights institutions.

Then finally, and perhaps uniquely within the region, we promote regional cooperation amongst all of these national institutions on issues that cross national boundaries. That was a brief overview.

I will move now to activities within the Pacific. As noted, we only have the Fiji Human Rights Commission and the Australian and New Zealand commissions within this geographic area. The vast bulk of our membership clearly is in the Asian side of our regional geographic area. However, we have made quite a conscious effort to try to develop greater awareness on human rights and the creation of new institutions in the Pacific. Primarily, we made a written submission and gave oral evidence to the Eminent Persons Group's review of the Pacific Islands Forum. In their final paper, they recommended:

The Forum should support the work of members in developing national human rights machinery. As part of this process, those Leaders whose governments are not already engaged with the Asia Pacific Human Rights Forum might consider becoming so.

The outcome of those recommendations was a distinct national approach as opposed to a regional approach. That was one of your earlier questions to one of the other witnesses. The Asia Pacific Forum, in both its oral submissions and in its written submissions, recommended that a dual strategy should be taken—both a regional approach and a national approach—to the development of machinery.

Those recommendations of the Eminent Persons Group were subsequently adopted by all the Pacific island leaders at their special leaders' retreat in Auckland, New Zealand in 2004 and now they are specifically included within the Pacific Plan that was adopted in 2005. In response to the adoption of those programs within the Pacific Plan, we have undertaken specific activities.

Firstly, in association with the Fiji Human Rights Commission, the New Zealand Human Rights Commission and the Australian Human Rights Commission, we held a consultation generally on human rights issues affecting the Pacific region, which brought together the governments, non-governmental organisations and the existing national human rights institutions from Australia, the Cook Islands, Fiji, the Federated States of Micronesia, Kiribati, the Marshall Islands, Nauru, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu. That was held in Fiji in 2004 and it brought together approximately 80 participants from 15 countries within the region—not quite the membership of the Pacific Islands Forum but almost—and looked at both the national and the regional strategies for the promotion and protection of human rights.

One of the major recommendations out of that was that the APF should have a greater engagement formally with the Pacific Islands Forum in proceeding with the recommendations included in the plan. We immediately followed that up and jointly held a conference with the Pacific Islands Forum in early 2005, only for the governments of the region at this stage, focusing on bringing together representatives from all of the 16 Pacific states, principally from their justice ministries or their foreign affairs ministries, to say effectively what steps are being taken towards the protection and promotion of human rights and how best can the international agencies, including the APF and the Pacific Islands Forum, help to meet those strategies.

In addition, we have undertaken a number of activities within the Pacific to highlight issues which have not necessarily had a Pacific focus. Madam Chair, you attended our 11th annual meeting held in Fiji, which brought together governments from around the region and certainly all the national human rights institutions and civil society organisations from around the region. We held it within the Pacific to promote human rights and the concepts of national human rights institutions. We also attended the most recent Pacific Islands Forum and gave a formal presentation to the participants on our activities.

There are three major outcomes from the Pacific Plan that we are involved in. The first is a discussion around how custom and human rights either co-exist harmoniously or are in conflict. The New Zealand Law Commission has produced a paper on that, with submissions from us.

Mr SERCOMBE—It wasn't a paper; it was a tome!

Mr Fitzpatrick—Yes.

Mr SERCOMBE—It was massive!

Mr Fitzpatrick—The Office of the High Commissioner for Human Rights of the United Nations, which has a regional office in Suva, produced a discussion paper on treaty ratification and, as you are probably aware, ratification levels are, I think, the lowest within the Pacific region. Specifically, the Asia Pacific Forum has released a paper on forms of national human rights institutions that might exist in small Pacific states. All of those papers are out for consultation at the moment. In relation to our particular paper, the consultation process has just finalised and there will be next stages on that.

Finally, we have done a few bilateral activities. We sent a delegation to the Solomon Islands to meet with the Prime Minister, ministers and government officials in civil society on a commitment of the Solomon Islands government to create a national human rights institution, and that delegation of the APF was led by the then chairperson of the Fiji Human Rights Commission. In March of this year—

CHAIR—I am sorry, when was that?

Mr Fitzpatrick—February 2005, so it was the former Prime Minister at the time. Indeed, I think our first meeting was with the then Minister for Justice, which was on a Monday, and on the Friday the minister was arrested for a variety of activities.

CHAIR—It happens!

Mr Fitzpatrick—It does. In March 2007 we will be undertaking a joint mission with the Commonwealth Secretariat to Papua New Guinea, to meet with ministers. There has been a cabinet agreement to the establishment and funding of a human rights commission, so it is rather preliminary, but there have been ongoing discussions within Papua New Guinea for the last 12 years. If you are looking for my estimate on the likelihood of success, I would be pessimistic. Nonetheless, I think it is important for the Asia Pacific Forum to engage in those discussions and offer whatever assistance we can to see the realisation of a human rights commission.

Finally, I should inform members of the human rights committee of a rather unfortunate recent incident, and that of course is the appointment of a new chairperson to the Fiji Human Rights Commission by the Acting Prime Minister and military commander. The Fiji Human Rights Commission has now notified the APF, as it is required to do under our constitution, about the appointment and the APF has now launched a review of the Fiji Human Rights Commission to determine whether it indeed still meets minimum international requirements, particularly with regard to the issue of independence. I have recently written to the acting chair of the Fiji Human Rights Commission requesting comment and information, which will be distributed to our member institutions for discussion on 20 March 2007.

Members of the committee, that is my presentation and I will be open to any questions that you might wish to ask.

CHAIR—Thanks, Mr Fitzpatrick.

Senator FERGUSON—Following on from your last statement, does that mean that since the coup you have had no official or unofficial advice in regard to human rights abuse?

Mr Fitzpatrick—No, we have kept quite a close watch on Fiji, and our member institution in Fiji has provided information, but it is relatively complex. There are commissioners who are providing information which is completely at variance to what the acting chair is providing.

Senator FERGUSON—Commissioners, did you say?

Mr Fitzpatrick—Commissioners on the Fiji Human Rights Commission providing advice in their activity as a commissioner which is at variance to what is being suggested by the acting chair.

It is an issue that is relatively complex, and one that no doubt is going to require a fair amount of attention and discussion within the Asia Pacific Forum, but I look at it as a positive development because it is about us as a regional organisation making sure that we have high standards for our membership and ensuring that these institutions operate in an independent and effective manner.

Senator FERGUSON—If Fiji is the only country in the Pacific that has a human rights body, what are your links and how closely have you worked with the Asia Pacific Forum in other ways to try and gauge any level of human rights abuses that might exist in other countries?

Mr Fitzpatrick—Very closely, primarily on the commitments adopted by the Pacific leaders themselves as included within the Pacific Plan. Mr Sercombe, you made reference to the issues of both national and regional, and one of the commitments that is included within the Pacific Plan is a national and regional focus—both the development of institutions nationally within member states of the Pacific Islands Forum and, indeed, within the first three years of the plan to examine the potential for creation of some form of regional mechanism. The plan alludes specifically to a regional ombudsman, but there is broader language which suggests that that might be some form of national human rights mechanism as well.

Senator, in response, yes, with officials of the Pacific Islands Forum working quite closely in terms of promoting the implementation of those recommendations. So it is not necessarily a relationship that is linked specifically with one member. In going further to answer your question, it is clearly unfortunate that perhaps one of the glowing examples of successful national human rights institutions within the Pacific at the moment is under review in terms of its independence.

I make no comment as the director about what the outcomes of that review may be but clearly it is an unfortunate incidence for us to have to deal with.

Ms VAMVAKINOU—On a practical level, what sorts of human rights abuses are you able to report? What successes have you had in terms of dealing with them?

Mr Fitzpatrick—Within the Pacific?

CHAIR—Before you respond to that, Mr Fitzpatrick, can I ask you one question on the Fiji issue?

Mr Fitzpatrick—Certainly.

CHAIR—The concerns that you have as a body in relation to the Fiji commission and the removal of the previous chair, which I personally regard as a retrograde step, are you in a position to or have you raised those concerns with either the Department of the Attorney-General or Foreign Affairs and Trade?

Mr Fitzpatrick—I am aware that those concerns are being discussed within the Department of Foreign Affairs and Trade. I have not personally raised those issues with the department. I am, though, in close contact with the United Nations, which also has a similar standard for assessing of national human rights institutions and the international body of national institutions, in terms of determining whether the institution still complies with those international standards.

CHAIR—As a director of the APF—which, of course, as you indicated, does receive a substantial amount of its funding from the Australian government—you would not raise that yourself, in your capacity, with either of those departments?

Mr Fitzpatrick—With, sorry—

CHAIR—DFAT or A-G's—your concerns about the status of the Fijian commission.

Mr Fitzpatrick—A-G is limited. The nature of our relationship with Attorney-General is a relatively limited relationship.

CHAIR—Okay. Let us say DFAT then.

Mr Fitzpatrick—Yes. If, indeed, it is brought to our attention, then we would have discussions with the officers of the department of foreign affairs. I think the department's position is to ensure that the activities of the forum are undertaken with regard to our Constitution, to give APF the space to be able to deal with this issue appropriately.

CHAIR—Thank you very much. We will go back to questions from Ms Vamvakinou.

Ms VAMVAKINO—Just generally, yes.

Mr Fitzpatrick—In fact, one of the documents that I have made reference to that we will provide to you is the human rights consultation on essentially what were the human rights issues facing the Pacific. I would be happy to make that available to you.

In listening—and I did come late—to the witnesses that you have had, all I can do is reinforce the types of things that they are talking about: from our perspective, a considerable focus on violence, gender based violence, and discrimination; lack of access to freedom of information; lack of engagement at a political level—a variety of different issues. On a practical issue—and, again, Mr Sercombe, you made reference to the activities of the Australian Federal Police—in my dealings with the Federal Police, I am also impressed with their ability to operate on the

ground. To give you an example, in the Solomons I met with the police commissioner to discuss human rights abuses within the Solomons, and he made reference to a number of abuses that were being perpetrated by the police force; not by virtue of any sense that they wished to perpetrate those things, but for a lack of capacity within the police to deal with types of human rights violations. One example was: a member of a village who was perpetrating violence—potentially because of some form of mental illness, I would suggest—had been handcuffed to a flagpole. There was no detention facility. This flagpole was out in the open and the local police were unable to deal with that. It is a clear human rights violation, the dignity of that person, but it is not through anything more than a lack of capacity to go beyond Honiara into the hinterlands of the Solomon Islands.

Another example in the Solomon Islands was that the police commissioner informed me that he was aware of a woman and child who the local village had deemed to be the reincarnation of the Virgin Mary and child and were reluctant to allow that mother and child to leave the village, and they were being forcibly restrained within the village. His request to me was, how would I as a human rights advocate deal with those types of relationships, particularly given the importance of traditional power and other structures in the community, so it is a difficult relationship.

Ms VAMVAKINO—Yes, I understand. What is the situation with political dissidents and issues related to people being silenced for political views?

Mr Fitzpatrick—Generally, particularly if I am looking at the region at large, human rights violations within the Pacific are of a lower order than you will find in other aspects of the geographic Asia-Pacific region. There is no doubt about that. Also, the constitutional protections for human rights and laws with regard to human rights are significantly better in the Pacific region than you would find in many other regions. That is not to say, though, that there are not violations or in fact a lack of capacity to implement the provisions of those laws.

For instance, one of the discussion papers that I have made reference to was the office of the high commissioner's paper about trying to improve the ratification rate of international human rights treaties. Frankly, from my perspective, I am not that concerned about those issues. There are already quite rigorous and fine protections within the constitutions of most Pacific island states for the protection and promotion of human rights: it is not a question of the laws not being in existence; it is a question of those laws having any meaningful impact on the ground and people being able to utilise them within the legal process.

This is where, if I may say, I think one of the benefits of human rights commissions comes in. Indeed, it is addressed quite explicitly in our discussion paper. We use alternative dispute resolution mechanisms that are more in line with custom, that can deal with a large body of complaints and take it out of the legal process, which is inherently clogged and slow moving and creates a difficulty for many people to even enter. So in many ways national human rights institutions are a good fit with how to resolve complaints or concerns within the Pacific environment.

The question also being discussed is about custom and human rights and the potential conflict. My approach to that is, again, not to adopt, in essence, the two kinds of views that are put forward: on the one hand, human rights advocates saying that human rights instruments should

trump all cultural norms because they are more important and more appropriate, and then cultural-specific people saying, 'No, culture is more important, and if there's a conflict, it's got to take priority over human rights norms.' I think the more effective approach is to say, 'Well, let's actually talk about what the issue is at hand'—bring it down to a determination of whether in fact there is a conflict with, in particular, the cultural norms and the human rights instruments. If indeed there is, and potentially there is, then to define a way of trying to work through that conflict to get a practical kind of outcome. Again, this is where questions of alternative dispute resolution and communication between the parties really lends itself to a discussion about how you might negotiate your way through a network that preserves cultural norms but also protects human rights.

Mr SERCOMBE—Could I raise an issue with you which is perhaps a little bit off to the side. You might perhaps, either now or by a subsequent response, be able to give us some information on the issue of the relationship between your organisation and other regional groupings in other parts of the world—and that can have some particular relevance to parts of the Pacific where you have got non-independent territories, and I am thinking particularly of the French territories and, to a lesser extent, the US territories, and I think there are one or two very minor British territories still in the region.

This crops up in my mind from having been in Tahiti last year and having discussions with people who are engaged in protracted battles over the implications of the French nuclear tests and their extreme difficulty in getting a French jurisdiction in metropolitan France to take their issues seriously. But, of course, because they are a non-independent territory, any Pacific institutions would not be able to address their particular issues. It is immensely complex, but I would be grateful for any advice you may be able to give the committee, or me directly, as to what collaboration exists between your regional Asia-Pacific structure and structures elsewhere where you have situations that fall between the two stools, such as in French Polynesia and, hypothetically, New Caledonia or elsewhere.

Mr Fitzpatrick—Mr Sercombe, for a start I should say that the Asia Pacific Forum is the most developed of these regional networks and I think the irony is that it is because of the absence of any other networks within the Asia-Pacific region for these types of dialogues; whereas, for instance, in Europe there is a multiple number of mechanisms in which human rights might be able to be addressed and, as a result, the European network of national human rights institutions certainly is not as developed as the Asia Pacific Forum. Nonetheless, the point that you raise, I think, is an important one and certainly we have been conscious of it. We propose this year to hold a consultation on the basis of a discussion paper with the Pacific Islands Forum.

I have made a specific overture to the French national human rights commission to become a member and a participant within that consultation process and to use their good offices to ensure the attendance of French related territories within the consultation process. I have to say, the interesting dynamic there will be that national human rights commissions are not the same the world over. Within the French-speaking or Francophone states, they are generally advisory bodies only—advisory to parliamentary bodies, essentially. They do not take any complaint-handling role or educative role, whereas, principally within the Asia-Pacific, they are quite substantial complaint-handling bodies, so there may be some degree of tension about what form

an institution might take within those French territories. That is a question that needs to be addressed.

CHAIR—Mr Fitzpatrick, you referred to a consultation paper of the AFP on forms of NHRIs for small states. Is that going to be a public document?

Mr Fitzpatrick—It is, yes. It has been released.

CHAIR—I am not sure if the committee has a copy, but if we do not—

Mr Fitzpatrick—Indeed. It is one of the documents I would wish to submit to the committee.

CHAIR—Thank you very much. That would be very helpful. There are no further questions, Mr Fitzpatrick. May I thank you very much for attending and assisting the committee. It does give us a perspective on the work of the Asia Pacific Forum in this region and is helpful for our inquiry.

Mr Fitzpatrick—Thank you. It is a pleasure.

CHAIR—I thank all witnesses for their attendance today, and my colleagues as well, on a Friday of a sitting week, which is not always an attractive prospect. It has been a very productive morning.

Resolved (on motion by **Senator Ferguson**, seconded by **Ms Vamvakinou**):

That this subcommittee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Subcommittee adjourned at 1.00 pm