



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION
COMMITTEE

Consideration of Additional Estimates

FRIDAY, 14 FEBRUARY 2003

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SENATE**FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE****Friday, 14 February 2003**

Members: Senator Sandy Macdonald (*Chair*), Senator Cook (*Deputy Chair*), Senators Chris Evans, Ferguson, Payne and Ridgeway

Senators in attendance: Senators Jacinta Collins, Faulkner, McGuaran and Payne

Committee met at 9.03 a.m.

FOREIGN AFFAIRS AND TRADE PORTFOLIO

Consideration resumed from 13 February 2002.

In Attendance

Senator Troeth, Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry

Department of Foreign Affairs and Trade**Portfolio overview**

Dr Geoff Raby, Acting Secretary

Mr Doug Chester, First Assistant Secretary, Corporate Management Division

Ms Anne Hazell, Chief Finance Officer, Assistant Secretary, Finance Management Branch

Output 1.1—Protection and advocacy of Australia's international interests through the provision of policy advice to ministers and overseas diplomatic activity.**1.1.2—South and South East Asia (including Australia–India Council, Australia–Indonesia Institute)**

Ms Jennifer Rawson, First Assistant Secretary, South and South East Asia Division

Mr James Batley, Assistant Secretary, Mainland South-East and South Asia Branch

Mr Paul Grigson, Assistant Secretary, Maritime South East Asia Branch

Mr Luke Williams, Director, Thailand, Vietnam and Laos Section, Mainland South-East and South Asia Branch

Mr Phillip Stonehouse, Director, India and South Asia Section, Mainland South-East & South Asia Branch

Ms Elizabeth Wetherell, Director, ASEAN, Burma and Cambodia Section, Mainland South-East and South Asia Branch

Dr David Engel, Director, Indonesia Section, Maritime South-East Asia Branch

Ms Kathy Klugman, Director, East Timor Section, Maritime South-East Asia Branch

Mr Richard Rodgers, Acting Director, Philippines/Malaysia/Singapore/Brunei Section, Maritime South-East Asia Branch

Mr Bill Richardson, Director, Australia-Indonesia Institute

Ms Carol Roberston, Director, Australia-India Council

1.1.4—South Pacific, Africa and the Middle East

Mr Nick Warner, First Assistant Secretary, South Pacific, Africa and Middle East Division

Ms Victoria Owen, Assistant Secretary, Middle East and Africa Branch

Ms Clare Birgin, Director, Middle East Section, Middle East and Africa Branch

Mr David Hennessy, Director, Africa Section, Middle East and Africa Branch

Mr Don Cuddihy, Executive Officer, Middle East Section, Middle East and Africa Branch

Mr Martin Walker, Executive Officer, Africa Section, Middle East and Africa Branch

Mr Perry Head, Assistant Secretary, New Zealand and Papua New Guinea Branch

Ms Julie Chater, Director, New Zealand Section, New Zealand and Papua New Guinea Branch

Mr Greg Moriarty, Director, Papua New Guinea Section, New Zealand and Papua New Guinea Branch

Mr Graham Fletcher, Assistant Secretary, Pacific Islands Branch

Mr Rick Nimmo, Director, Pacific Bilateral Section, Pacific Islands Branch

1.1.7—International organisations, legal and environment

Ms Caroline Millar, First Assistant Secretary, International Organisations and Legal Division

Mr Christopher Langman, Ambassador for the Environment

Mr Chris Moraitis, Senior Legal Adviser

Dr Greg French, Acting Assistant Secretary, Legal Branch

Mr Peter Heyward, Assistant Secretary, Environment Branch

Mr Colin Milner, Director, International Law Group, Legal Branch

Mr Ben Playle, Executive Officer, International Law Group, Legal Branch

Mr Peter Scott, Executive Officer, International Law Group, Legal Branch

Ms Janaline Oh, Acting Assistant Secretary, International Organisations Branch

Mr Peter Doyle, Director, People Smuggling, Refugees and Immigration Section, International Organisations Branch

Dr Mark Napier, Executive Officer, Human Rights and Indigenous Issues Section, International Organisations Branch

Ms Matilda Emberson, Bali II Regional Conference Secretariat

1.1.8—Security, nuclear, disarmament and non-proliferation

Mr David Stuart, Acting First Assistant Secretary, International Security Division

Mr Bill Paterson, First Assistant Secretary, Iraq Task Force

Mr John Quinn, Assistant Secretary, Iraq Task Force

Mr Chris Marchant, Assistant Secretary, Anti-Terrorism and Intelligence Policy Branch

Mr Bruce Hunt, Acting Assistant Secretary, Arms Control Branch

Dr Terry Beven, Director, Nuclear Policy and Missiles Section, Arms Control Branch

Mr Paul Noonan, Executive Officer, Nuclear Policy and Missiles Section, Arms Control Branch

Ms Amy Steffens, Executive Officer, Chemical, Biological and Conventional Weapons Section, Arms Control Branch

Mr David Nethery, Director, Anti-Terrorism Section, Anti-Terrorism and Intelligence Policy Branch

Mr Garth Hunt, Director, Intelligence Policy and Liaison Section, Anti-Terrorism and Intelligence Policy Branch

Mr John Carlson, Director General, Australian Safeguards and Non-Proliferation Office

Mr Andrew Leask, Assistant Secretary, Australian Safeguards and Non-Proliferation Office

Output 1.2—Secure government communications and security of overseas missions

Mr Paul Tighe, First Assistant Secretary, Diplomatic Security, Information Management, and Services Division

Mr John Richardson, Assistant Secretary, Diplomatic Security and Services Branch

Output 2.1—Consular and passport services

2.1—Consular services

Mr Ian Kemish, First Assistant Secretary, Public Diplomacy, Consular and Passports Division

Mr Rod Smith, Assistant Secretary, Consular Branch

Mr Jeff Roach, Director, Consular Information and Crisis Management Section, Consular Branch

Mr Bill Jackson, Acting Director, Consular Operations Section, Consular Branch

Mr Marc Campbell, Division Coordinator, Public Diplomacy, Consular and Passports Division

2.2—Passport services.

Mr Ian Kemish, First Assistant Secretary, Public Diplomacy, Consular and Passports Division

Mr Bob Nash, Assistant Secretary, Passports Branch

Mr Bill Monaghan, Director, Passport Operations Section, Passports Branch

Mr John Osborne, Director, Passport Systems and Technology Section, Passports Branch

Output 3.1—Public information services and public diplomacy

3.1.1—Public information and media services on Australia's foreign and trade policy

3.1.2—Projecting a positive image of Australia internationally

3.1.3—Freedom of information and archival research and clearance

Mr Ian Kemish, First Assistant Secretary, Public Diplomacy, Consular and Passports Division

Ms Lyndall Sachs, Acting Assistant Secretary, Parliamentary and Media Liaison Branch

Mr Paul Molloy, Acting Assistant Secretary, Images of Australia Branch

Mr Richard Palk, Director, Cultural Relations Section, Images of Australia Branch

Output 4.1—Property management

Mr Peter Davin, Executive Director, Overseas Property Office

Mr Kevin Nixon, Assistant Secretary, Alliance Management Branch, Overseas Property Office

Mr Philip Moran, Assistant Secretary, Portfolio Strategy Branch, Overseas Property Office

Output 4.2—Contract management

Enabling services

Items—General corporate support; human resource management and overseas conditions of service; financial and budget management; national non-secure (communication system) information technology and information management; records management; property management; executive support; training and development; evaluation and audit; internal legal and statistical services; security services

Ms Zorica McCarthy, Assistant Secretary, Executive, Planning and Evaluation Branch

Ms Bronte Moules, Director, Ministerial and Executive Liaison Section

Mr Bryce Hutchesson, Director, Corporate Planning Section

Mr Geoff Tooth, Director, Evaluation and Audit Section

Ms Penny Williams, Assistant Secretary, Staffing Branch

Mr Hugh Borrowman, Director, Staffing Operations Section

Ms Janette Ryan, Assistant Secretary, Staff Development and Post Issues Branch

Dr Lee Kerr, Director, Management Strategy, Conduct and Coordination Section,
Corporate Management Division

Mr John McAnulty, Assistant Secretary, Finance Services Branch

Mr Daniel Sloper, Director, Budget Management Section, Finance Management Branch

Ms Alison Airey, Executive Officer, Finance Management Branch

Mr Louis Kalogiannidis, Executive Officer, Finance Management Branch

Ms Sue Lee, Executive Officer, Finance Management Branch

Ms Cathy Jenkins, Executive Officer, Finance Management Branch

Ms Gil Padarin, Executive Officer, Finance Management Branch

Ms Tracey Batterbury, Executive Officer, Finance Management Branch

Mr John Leonardi, Executive Officer, Finance Management Branch

Mr Sean Turner, Executive Officer, Finance Management Branch

Mr Andrew Inglis, Executive Officer, Finance Management Branch

ACTING CHAIR (Senator Payne)—I declare open this meeting of the Senate Foreign Affairs, Defence and Trade Legislation Committee. I welcome back Senator Troeth, representing the Minister for Foreign Affairs, and officers of the Department of Foreign Affairs and Trade. In the absence of Senator Sandy Macdonald, I will be the acting chair for this morning's proceedings. Last night the committee adjourned on output 1.1.2, which was partially heard, and today we will continue our consideration of 1.1.2.

The committee has resolved that the deadline for the provision of answers to questions taken on notice at this hearing is Thursday, 27 March 2003. I remind witnesses that the evidence given to the committee is protected by parliamentary privilege. I also remind witnesses that the giving of false or misleading evidence to the committee may constitute a contempt of the Senate. The Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the parliament or its committees, unless the parliament has expressly provided otherwise. An officer of a department of the Commonwealth shall not be asked to give opinions on matters of policy. However, they may be asked to explain government policy, describe how it differs from alternatives and provide information on the process by which a particular policy was selected. An officer shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. Senator Troeth, do you or any of the officers wish to make an opening statement?

Senator Troeth—No, Madam Acting Chair.

ACTING CHAIR—Senator Faulkner, I understand you will be continuing with questions on output 1.1.2?

Senator FAULKNER—Yes, thank you. Last night, Dr Raby, we flagged the issue of staffing levels in Indonesia. Are you able to say what those staffing levels were in Jakarta on 11 October 2002?

Dr Raby—Ms Williams, Assistant Secretary, Staffing Branch, is here to assist in this.

Ms Williams—On October 12 in Jakarta we had 32 DFAT Australian based staff in the embassy and 70 locally engaged staff members.

Senator FAULKNER—Was that 32 and 17?

Ms Williams—No, 70. There were 32 Australian based DFAT staff and 70 DFAT locally engaged staff.

Senator FAULKNER—I was a bit surprised; I thought you said 17. What about other agencies?

Ms Williams—I would prefer to take that on notice if possible, to ensure the accuracy of the information.

Senator FAULKNER—Thank you. What are the current staffing levels?

Ms Williams—Today we have 29 DFAT Australian based and 70 locally engaged staff. The difference of three is because we changed from having DFAT providing guarding services to having the Australian Protective Service providing those guarding services.

Senator FAULKNER—Does that effectively mean that the staffing levels are the same or very close to the same?

Ms Williams—They are the same, yes. It is just that they are not provided by DFAT.

Senator FAULKNER—What about staffing levels in consulates in Indonesia? How many consulates are there?

Ms Williams—We have the Consulate-General in Bali. I can provide you with the staffing levels for the Consulate-General.

Senator FAULKNER—There is just the one consulate?

Ms Williams—I understand there are honorary consuls.

Dr Raby—I think there are honorary consuls.

Ms Williams—I could provide you with the staffing levels of the Consulate-General in Bali. We have two DFAT Australia based staff, five DFAT locally engaged staff and three DIMIA locally engaged staff. The staffing levels were the same at the time of the bombing.

Senator FAULKNER—Dr Raby, how do you assess the adequacy or otherwise of staffing levels in the broad at these posts? Do you make those sorts of assessments? I assume you do.

Dr Raby—The department always monitors and reviews annually, through the post evaluation review process, the adequacy of the resources we have in all of our posts. It is a normal, ongoing management process by which we review and ensure that the resources we have meet the demands and objectives we have. I should also say we have a process of what we call post liaison visits, or PLVs. That is where very senior level delegations from Canberra visit each post, thoroughly review staffing resources and conditions and deal with any other post-specific concerns. It is an ongoing process of evaluation.

Senator FAULKNER—Are you able to indicate to the committee whether, in the department's view, staffing levels are adequate in Indonesia?

Dr Raby—Yes, subject to the resource constraints and the multiple and competing demands we have, within the constraints with which we operate, we believe the balance of resources in Jakarta is within range of what we believe are adequate for the tasks at present.

Senator FAULKNER—Has any consideration been given to increasing the number of consulates in Indonesia?

Ms Rawson—I would have to take that on notice for a firm view. I think at one stage there was consideration given to opening another consulate in Indonesia, but I do not have all the details. I will have to take that on notice.

Senator FAULKNER—So what has been the pattern of staffing levels in Indonesia over time? I appreciate the information you have provided since 11 October 2002. What has been the pattern over, say, the last three or four years?

Ms Williams—I do not have that detailed information but I will be happy to take that on notice.

Senator FAULKNER—Perhaps you could do that for the last four years so we can get an indication of what the pattern demonstrates. That would be helpful. I suppose what I am interested is whether the concerns about the threat of terrorism have had an impact on staffing levels at all over the recent period of time. Has that been the case?

Ms Rawson—Senator, are you asking about the impact of threat on trend levels or in terms of specific situations?

Senator FAULKNER—Having heard the evidence that it appears, at least post the Bali bombings, that the level of staffing is precisely the same, I am not clear—that information has not been provided—what the level of staffing was prior to the Bali bombings, but I assume it was very similar. I think that is reasonable, isn't it, Ms Williams?

Ms Williams—Yes, that is reasonable.

Senator FAULKNER—I am wondering whether consideration has been given to increasing the number of staff in light of the ongoing or developing threat of terrorism in Indonesia.

Ms Rawson—I am not aware that consideration has been given to that in the context of the threat of terrorism. I refer back to Dr Raby's earlier comments about the general considerations that apply in terms of staffing levels. Obviously, in regard to the threat of terrorism, the situation is kept under review in terms of the security of staff and whether they remain at posts or not, but I am not aware that it has been a particular issue in consideration of overall staffing numbers.

Senator FAULKNER—But we can at least say staffing levels have not been affected in Indonesia; there has been no increase in staffing levels because of an increased threat environment. We can say that, can't we?

Ms Williams—We can say that in relation to DFAT staff.

Senator FAULKNER—I appreciate that you might not be able to answer for other agencies. More broadly, Ms Williams, do you deal with staffing levels in other posts as well?

Ms Williams—Yes, I do.

Senator FAULKNER—Has there been a reduction in Australian based staff at our overseas missions over the last year? In other words, I am talking the broader picture and not limiting it now to Jakarta.

Ms Williams—Over the past year in fact the number of A based staff overseas has remained the same. Over recent years the number of DFAT A based staff has actually increased. That is because we have opened a number of posts overseas. We have also created some new positions overseas. Obviously, at the same time we have reduced some positions overseas. Overall there has been a net gain over the last couple of years.

Senator FAULKNER—There has been no reduction in A based staff? Has there been any internal rejigging between posts or missions?

Ms Williams—Yes, there has.

Senator FAULKNER—Has that been significant in any of those that you could identify—has there been an area with more significant loss or increase in staff?

Ms Williams—No.

Senator FAULKNER—At this stage you are not aware of any plans to increase DFAT staffing resources in Jakarta?

Ms Williams—No, I am not.

Senator FAULKNER—There are no plans to do so?

Dr Raby—We have not had the annual post evaluation review of Jakarta. The time for post evaluation reviews for all our posts—and you appreciate we prefer to do them all together because at times we make decisions on moving resources from various locations, and even between Canberra and posts—is around August. The last post evaluation review preceded Bali. Obviously, that will be part of any discussion we will have on the post's resources in the review come next August.

Senator FAULKNER—Are you able to say Ms Williams what the pattern is in relation to A based staff at other missions across South-East Asia?

Ms Williams—I do not have that detailed information with me. I am happy to take it on notice.

Senator FAULKNER—Would you mind taking that on notice in relation to those posts in South-East Asia? You might also provide some historical information there—maybe go back four years—so we can get a feel for the pattern. Do you have available to you any figures that show how many of the A based staff in Indonesia speak Bahasa Indonesia?

Ms Williams—No, not with me.

Senator FAULKNER—Would you be able to provide that for us?

Ms Williams—Yes, I would. It is probably worth noting that we actually have two unattached staff, two language trainees, in Indonesia at the moment who will be taking up positions in the embassy. I know that Indonesian language is one of the priorities for the department. I can give you those positions and number of staff who have Indonesian language capacity.

Senator FAULKNER—If you take that on notice, perhaps do not limit it to Bahasa because there are other Indonesian languages, as I understand it. Am I correct in saying that you would be an expert in this, Ms Rawson?

Ms Rawson—I certainly would not profess to being an expert in it but my understanding is that the principal language is Bahasa and as far as I am aware that is the only language for Indonesia postings in which we would provide language training to staff.

Senator FAULKNER—If there are other languages spoken, perhaps you could include those in the breakdown. I do not want to limit that if there are other language speakers there. I do not have any further questions on 1.1.2. We can follow that through when the answers are provided by the department.

[9.20 a.m.]

ACTING CHAIR—We move on to output 1.1.4, South Pacific, Africa, and the Middle East. I welcome the officers to the table.

Senator FAULKNER—Is an officer at the table able to provide for the benefit of the committee the international legal basis for the forward deployment of Australian forces to the Middle East?

Dr Raby—I would like Dr French to respond to that.

Dr French—You would be aware that there are a number of bases upon which force may be used under international law, in particular with regard to the maintenance of international peace and security. The circumstances under which force may be used relate to customary international law and the Charter of the United Nations. With regard to the deployment of forces overseas, it is clear of course that the government has made no decision with regard to any use of force by Australian armed forces. The current deployment is fully consistent with international law to the extent that, wherever troops have been deployed, it has been done so in accordance with agreements with relevant countries or the forces are in areas, for example, beyond national jurisdiction in international waters.

Senator FAULKNER—What agreements with relevant countries do we have in the case of the forward deployment of these Australian forces to Iraq?

Dr French—These questions are getting more into the operational and political areas. Perhaps my colleague Mr Paterson would—

Senator FAULKNER—I do not think it is operational; it may be political. We will make that judgment when we hear the answer. But I do not think it is fair to say it is operational.

Mr Paterson—The prime legal instruments, I suppose, under which ADF elements have currently been forward deployed to the Middle East region are a series of status of forces agreements, principally with three countries in the Arab Gulf.

Senator FAULKNER—Are they public?

Dr French—My understanding is they are not.

Mr Paterson—They are confidential. In effect, the implementing agency is the Department of Defence rather than this department.

Senator FAULKNER—When you say ‘status of forces agreement’, the forces referred to here is the Australian Defence Force. Is that what you mean?

Mr Paterson—The conditions which would apply to ADF elements in a particular country.

Senator FAULKNER—Do we have separate status of forces agreements with each of these countries?

Mr Paterson—That is correct.

Senator FAULKNER—Are you able to say when those agreements were reached?

Mr Paterson—I do not have the precise dates here. We could provide those to you. However, I think it is fair to say that they have all been negotiated within the last year. Negotiations of a status of forces agreement with Kuwait was begun several years ago. So it is of a longer gestation, I guess.

Senator FAULKNER—These are not public agreements as Dr French has indicated to us?

Mr Paterson—No, in most cases, status of forces agreements are confidential between the parties unless otherwise agreed.

Senator FAULKNER—What are you able to tell the committee about the substance of those agreements?

Mr Paterson—Little at all. Essentially, these are working documents that are administered principally by the Department of Defence, and questions are probably best addressed to them on matters of detail. I am not seeking to evade your question; I am simply not across the detail of those agreements.

Senator FAULKNER—What role did the Department of Foreign Affairs and Trade have in assisting in the development of those status of forces agreements?

Mr Paterson—The provision of both legal and policy advice. But we were not the exclusive provider of legal advice—the Department of Defence takes, I guess, the primary carriage in terms of provision of legal advice on these.

Senator FAULKNER—I am trying to understand the DFAT role in relation to the development of these agreements.

Mr Paterson—I think it is fair to say that these agreements constitute part of the fabric of our bilateral relationship with these countries—so obviously we have a keen interest to that degree—plus, of course, our international legal advising capacity is drawn on by the Department of Defence. So the negotiation is in effect a joint negotiation, given our responsibility for the negotiation of international instruments.

Senator FAULKNER—That is quite a substantial role then, isn't it?

Mr Paterson—Yes, it is a significant role.

Senator FAULKNER—You say questions are best directed to Defence. That is a reasonable thing for you to say to me, but it is also fair for me to say to you that obviously DFAT has had a substantial role in this process.

Mr Paterson—There is a substantial advisory or advising role, yes; that is correct. I am not an international lawyer and I am not across the detail. Dr French may be able to add some further comments but, if it gets to the precise content of these agreements, we would have to take that on notice and/or suggest that questions be further addressed to the Department of Defence.

Senator FAULKNER—Obviously I would like the precise content of the agreements and for the agreements to be provided. I think you have indicated that their status is such that that is unlikely to occur.

Mr Paterson—That is correct.

Senator FAULKNER—Nevertheless, I am happy for you to take that on notice. I am trying to deal with the process issues that surround your department's involvement, but take that broader question on notice. Were the status of forces agreements finalised in these three cases prior to AUSMIN 2000?

Mr Paterson—I would have to take that on notice. I think in some cases the answer is yes, but I am not absolutely sure about others.

Senator FAULKNER—I would appreciate that being provided.

Mr Paterson—There was no linkage, however, between the negotiation of these agreements and AUSMIN—the negotiations had been underway for some time. It is more a question of a steady process of negotiation with the countries involved.

Senator FAULKNER—The current forward deployment in relation to Iraq is underpinned by these status of forces agreements. That is correct, isn't it?

Mr Paterson—In part, yes.

Senator FAULKNER—It is, in part, underpinned by these three status of forces agreements. I am interested in understanding more about the time line involved. If, as you have indicated with the status of forces agreement with Kuwait, for example, that this

commenced quite some time ago—it may have been signed quite some time ago—doesn't that suggest that consideration was given to deploying forces quite some time ago?

Mr Paterson—I think that is incorrect. Our desire to conclude a status of forces agreement in Kuwait really relates to the fact that, on several occasions, we have deployed ADF elements to Kuwait: in 1998 as part of Operation Desert Fox and in 2001 as part of the war on terrorism. We did so explicitly to underpin the defence of Kuwait; of course, it was sensible because of these deployments to seek to negotiate an arrangement to cover practical arrangements for our forces on the ground there. It also reflects the fact that Australia has made an effort I think over recent years to build a practical defence cooperation with the region, and it would be natural to develop status of forces agreements in that context.

Senator FAULKNER—Are you able to say in relation to any of these three status of forces agreements whether any of those specifically address the forward deployment for Iraq?

Mr Paterson—I think I am correct in saying that they do not. Documents of this kind tend to be generic.

Senator FAULKNER—We have the status of forces agreement. What else underpins the legal basis for the forward deployment of Australian troops to Iraq?

Mr Paterson—I will refer that question to Dr French, with your permission.

Senator FAULKNER—Sure.

Dr French—As I mentioned, there are also forces, for example naval forces, which are in various positions and which are beyond territorial seas. Therefore, under normal international law, they are fully entitled to be in those areas. In addition, as has been mentioned publicly a number of times, some of the deployments have also been in the context of the multinational interception force which is operating pursuant to the United Nations Security Council resolutions with regard to the enforcement of sanctions against Iraq.

Senator FAULKNER—I know some deployments have been in relation to the MIF, but you appreciate that I am just speaking now about those forward deployments that have occurred recently in relation to Iraq, which I think you understand. We can clearly separate those two. I do understand what you say, but the purpose of my question is to focus on the forward deployment in relation to Iraq. Could I ask you in relation to that forward deployment: there is the status of forces agreements which are not specific of course—we have been informed by Mr Paterson that they are generic agreements—but, specifically in relation to the forward deployment to Iraq, what underpins the international legal basis of those forward deployments?

Dr French—In the current context it is basically those two broad areas that I have outlined. The bilateral agreements fully provide for the deployment of forces to those geographic areas to which they have been sent within the jurisdiction of the relevant states involved. I would also mention that the actual nature of the instruments is that they are memoranda of understanding rather than agreements, but the substance of them is very similar to that which would be contained in any range of status of forces agreements. The second basis is the normal international law of the sea with regard to the freedom of military vessels and aircraft to navigate in areas beyond national territorial jurisdiction.

Senator FAULKNER—Under the UN charter, are countries entitled to amass military forces on the borders of other countries or neighbouring countries?

Dr French—That is a very complex question.

Senator FAULKNER—It is a simple question. It may be a complex answer.

Dr French—As I mentioned, the government has made no decision at this stage with regard to anything beyond forward deployment. I think if I were to go any further it would be the provision of advice.

Senator FAULKNER—You have told us that these status of forces agreements are generic. I accept that. Are you able to say why the agreements were with those three countries that you have mentioned?

Dr French—I think that is more a policy question rather than a legal one, if I may defer to Mr Paterson.

Mr Paterson—I have explained in the case of Kuwait it was in essence to regularise the arrangements that applied to the deployment of our troops there following Operation Desert Fox and again in the war on terrorism. You will recall earlier this week in testimony before this committee General Cosgrove noted that we had a command element deployed in the Gulf—that is the Australian national command in the Middle East theatre. That was why it was done in that case. General Cosgrove may have explained that we have also deployed two P3C Orion aircraft and support staff to the Gulf in support of the war on terrorism.

Senator FAULKNER—I am aware of that. I am talking about the agreements, now being described—and fair enough—as MOUs. Were these MOUs about the enforcement of sanctions against Iraq or not?

Mr Paterson—The MOUs—Dr French may wish to correct me on this—just relate to the legal status of our forces in the jurisdiction of those countries.

Dr French—That is correct.

Senator FAULKNER—It does not go to the issue of enforcement of sanctions against Iraq?

Mr Paterson—No.

Senator FAULKNER—Dr French, does UN Security Council resolution 1441 give authority for the military build-up against Iraq prior to the weapons inspectors concluding their work or furnishing their report?

Dr French—The government has said quite clearly and publicly that a second UN resolution with regard to the use of force against Iraq in the current context would be its very strong preference, but it has also been said frequently and publicly that, as a matter of international law, a second resolution would not be required; it is more a matter of garnering further international support and creating further international pressure. But certainly a very strong argument can be made that UN Security Council resolution 1441, which is under chapter VII of the UN Charter with regard to the maintenance of international peace and security, when seen in the context of a consistent line of UN Security Council resolutions, particularly going back to UN Security Council resolutions 678 and 687, again all under chapter VII, provides a legal basis for the use of force if it were to be decided that it was appropriate.

Senator FAULKNER—This strong argument, to use your words, appears to be one supported by very few countries—that is right, isn't it? It does not appear to be a strong argument in very many places.

Dr French—There is an international debate going on about this, clearly, and, as I mentioned, the very strong preference of the government is for a second Security Council resolution on this matter.

Senator FAULKNER—Is the Department of Foreign Affairs and Trade satisfied that 1441 does give authority for a forward deployment such as we have seen?

Dr French—I think that would be going into the sphere of advice, Senator. I would prefer not to answer that question on that basis.

Senator FAULKNER—Has the department provided advice? I am not asking what the advice is; I am only asking whether the department has provided advice on whether any UN Security Council resolution at all on Iraq gives authority for the current military build-up against Iraq. Has the department provided advice on those issues?

Dr French—The department has been providing advice on a range of issues relating to the situation in Iraq and the deployment of forces. It has been providing advice, and it is natural in the situation where forces are being deployed, which occurs all the time around the world, that we provide advice on these matters. So yes, we have provided advice in a general sense.

Senator FAULKNER—What is the current interpretation of article 2.4 of the UN Charter? Can you give me a brief heads up on that, Dr French?

Dr French—It is with regard to the maintenance of the territorial integrity of states, inter alia—the sovereign equality of states.

Senator FAULKNER—As you would be aware, there has been a great deal of commentary suggesting that the current build-up is illegal under international law. You are certainly aware of that.

Dr French—Certainly of views of that nature being expressed.

Senator FAULKNER—Yes. Do you make assessments of those sorts of views internally in the department?

Dr French—We certainly keep a very close eye on them.

Senator FAULKNER—How do you do that? It comes to your desk, does it, Dr French?

Dr French—Mine and a number of other desks.

Senator FAULKNER—What sorts of resources have been put into this issue of the international legal basis of the forward deployment on Iraq?

Dr French—There is a senior legal adviser at the Department of Foreign Affairs and Trade, me and the international law section. So we have a number of officers who are devoting themselves to these issues.

Senator FAULKNER—Have you taken any measures at all or given any thought to ensuring that ADF personnel will not be prosecuted in the International Criminal Court? Is that an issue that you have looked at?

Dr French—I think that again might be wandering into the sphere of advice—

Senator FAULKNER—No, I am not asking for the advice you gave; I am asking if that is an issue you examined. I could spend all morning here asking questions about the sort of legal advice you have given to government. I have not ventured into those areas. I could do that, but I won't. I just want to deal with the process issues of what you have done and perhaps how you did it.

ACTING CHAIR—I think you are drawing a very narrow line, Senator Faulkner. I think Dr French is being as helpful as he is able to be, with support from Mr Paterson. They are answering your questions in the most appropriate manner possible.

Senator FAULKNER—I am not suggesting that they are not being helpful.

ACTING CHAIR—Good.

Senator Troeth—Could I also indicate that that particular question assumes that there will be a conflict and it is unfair to ask Dr French to comment on future events—which may or may not happen—in that manner.

Senator FAULKNER—I am asking the department whether they have considered the issue of the possibility of Australian Defence Force personnel being prosecuted under the International Criminal Court. I am not asking what advice was given. I have not even asked whether advice has been given; I am asking whether the department has considered that issue. That is perfectly reasonable and totally in accord with the sorts of questions that are asked at estimates committees all the time.

ACTING CHAIR—Dr French, do you have anything else to add?

Dr French—I think the general issue of the jurisdiction of the International Criminal Court has been considered in detail within our department or within the government generally, particularly within the Department of Defence. A whole range of potential jurisdictional issues was considered deeply and in great detail in the process of signature and ratification of the statute of the International Criminal Court.

Senator FAULKNER—Have you prepared advice for the government on maintaining Australia's membership of the ICC?

Dr French—No, Senator.

Senator FAULKNER—What sort of departmental resources have gone into the issue I have just been addressing in relation to the possibility of ADF personnel being prosecuted under the International Criminal Court? How much time have you spent on that? What sort of effort have you put into that matter?

Dr French—In the broad, with regard to the International Criminal Court, again it would be the same group within the legal branch which has been dealing with that—the senior legal adviser, the legal adviser and the international law section.

Mr Paterson—Could I just add to that? This is not something that only this department is doing. Under the task force which I head, a legal group meets periodically, including international lawyers from our own department, the Department of Defence and the Attorney-General's Department, which considers a full range of issues related to the deployment of Australian forces to the Middle East at the present time.

Senator FAULKNER—How often is the task force meeting now? Is it pretty regularly now?

Mr Paterson—It is meeting the same number of times per week as when we last appeared before this committee on 22 November. It is meeting three times a week. However, the situation reports that it puts out are now coming out five times a week.

Senator FAULKNER—Can you just explain that to me? Can you explain why you are having three meetings and five sit reps?

Mr Paterson—Simply because the primary input to the situation reports tends to be advice we get from Australian embassies and high commissions overseas, and from the international media and other sources. That is probably the bulk of the material that we include in advice daily to ministers. There really is no requirement to bring together a big interagency group five times a week. It is obviously a cumbersome process. It involves people coming from other departments and agencies all over Canberra. We try to keep that to a reasonable minimum.

Senator FAULKNER—You are still heading it up, aren't you?

Mr Paterson—That is correct.

Senator FAULKNER—DFAT is the lead agency?

Mr Paterson—Insofar as the task force is concerned, that is correct. I think when Ms Bird, of the Department of the Prime Minister and Cabinet, appeared before you earlier this week she made the point that there are other groups dealing with the Iraq issue; it is not simply ourselves. I think she mentioned groups within the Department of Defence, like the Strategic Command Group, and the Strategic Policy Coordination Group, which brings together DFAT, PM&C and Defence officials at deputy secretary level.

Senator FAULKNER—What is the current membership of the Iraq Task Force?

Mr Paterson—It is flexible and variable. I gave you a rough listing of that, last November. It really has not changed. There have been a couple of additions to it, one being AQIS. Currently the Department of Health and Ageing is intending to join. That is to deal with issues related to the return to Australia of personnel or materiel, equipment, from the theatre—to deal with things like quarantine issues and that sort of thing. I could give you a full and precise listing, but it is, and is intended to be, a variable and flexible membership structure.

Senator FAULKNER—You might take the provision of a full and precise listing on notice, but I understand the point you make about the variability of the membership. What about the task force itself? You have got the meetings three times a week of the task force per se, but what sort of administrative support does the task force have?

Mr Paterson—The task force currently has a total of 18 officers working within the Department of Foreign Affairs and Trade. One of those is on secondment from the Department of Defence. I can explain further levels and structure if that is what you want.

Senator FAULKNER—Yes, that would be helpful. Thank you.

Mr Paterson—I head up the task force, at the first assistant secretary level. I have two deputies at SES Band 1 level, two EL2 officers, seven EL1 officers, two APS6 officers, three APS4 officers and one APS2 officer.

Senator FAULKNER—What sort of financial resources are going into this now?

Mr Paterson—This task force was set up after the department had set its budgetary allocations for the current year. The additional expenses involved have therefore been funded from the department's contingency fund to this point, from which I was initially allocated \$80,000. As the intensity of what we are doing has increased, it is likely that I will seek additional funding from the department's contingency fund between now and the end of the financial year.

Senator FAULKNER—Are you able to give a broader picture of that, Dr Raby—the sorts of financial resources that are going into this?

Dr Raby—No. I think that is a fairly full account. Ms Hazell, do you wish to add anything to that?

Ms Hazell—That funding that Mr Paterson mentioned is in addition to the cost of the extensive number of staff that are working on the issue and, obviously, in addition to the effort being put in by our missions on this issue, which all have financial implications.

Senator FAULKNER—Are any DFAT officers predeployed to the Middle East, with a role in relation to Iraq?

Mr Paterson—No, not specifically. Of course existing officers at some of our missions in the Middle East deal with related issues: things like diplomatic clearances and overflights, which are part of normal diplomatic practice.

Senator FAULKNER—We do not have a mission in Baghdad, do we?

Mr Paterson—We do not at present. We have had in the past, and we retain premises there under a caretaker.

Senator FAULKNER—When did that close?

Mr Paterson—Before the 1991 Gulf War.

Senator FAULKNER—So what embassy currently has jurisdiction for Iraq?

Mr Paterson—Our embassy in Amman, Jordan.

Senator FAULKNER—What rank of DFAT officer is in charge of that mission?

Mr Paterson—An officer at the substantive broadband 4 level.

Senator FAULKNER—Is that the highest level of ambassador rank?

Mr Paterson—No, that is not. That is in fact one of the more junior levels.

Senator FAULKNER—That is what I thought. So it is a comparatively junior ambassador?

Mr Paterson—Yes, but with significant duties at the moment.

Senator FAULKNER—That is the point.

Mr Paterson—We accord heads of mission overseas a minimum overseas ranking of SES band 1 level, so in effect he, along with a number of other ambassadors at that level around the world, is paid at SES band 1 level, reflecting the responsibilities that he has as a head of mission.

Senator FAULKNER—I am not at all questioning the competence of the ambassador; in fact, I do not even know who the ambassador is. Parliamentary Secretary, given the importance of Iraq to Australia, it seems sensible not to have one of the most junior levels of ambassador responsible for it and to perhaps have this position upgraded. Wouldn't that be right?

Senator Troeth—I would have every confidence in the department to be supplying the senior officer there with the resources that he would need for that position. But I guess future events may mean that it may need to be changed and if so I would think it would be looked at.

Mr Paterson—Senator, as a matter of practice in this department, we offer officers at middle levels quite a range of significant responsibilities overseas—that is not unusual. As someone who has been working very closely with the ambassador in Jordan over recent months, I have to say he has done, by all accounts, an outstanding job. That is not simply my view; that is the view of the Department of Defence as well.

Senator FAULKNER—I am not questioning that for one moment—I said that before. In fact, as I said, I do not even know who the ambassador is. I am interested as to the seniority of the ambassador and as to whether any consideration has been given to upgrading the position in these circumstances. But no consideration has—is that right?

Dr Raby—We are satisfied with the arrangements as they are.

Senator FAULKNER—What are the closest Australian missions to Baghdad?

Mr Paterson—Geographically, there are the missions in Amman, Jordan, and Riyadh, Saudi Arabia, and a little further away are our mission in Abu Dhabi in the United Arab Emirates and our missions in Tel Aviv, Israel, and Beirut, Lebanon. A bit further again would be Ankara in Turkey and Teheran in Iran.

Senator FAULKNER—Have you given any thought at all to taking measures to protect personnel, given concerns about nuclear, chemical and biological warfare?

Mr Paterson—Yes, we certainly have. If you need further details on that I would be happy to ask my colleague the assistant secretary of the consular branch to join me. Briefly, we have developed a detailed consular contingency plan for posts in the Middle East. It is not something that we would publicly reveal details about but, as part of that, it does, as you would naturally expect, provide for the drawdown of staff in certain circumstances, and for remaining staff to have access to NBC protective suits.

Senator FAULKNER—I appreciate the points you make about getting the balance right and about some of these sorts of issues being canvassed publicly. So we will ask your colleague to provide the committee with the information that it is reasonable to provide in the circumstances without offending the other principle that you mentioned, which, I accept, is an important one.

Mr Smith—Could I clarify if you are asking specifically in relation to CBW protection or consular contingency planning more generally?

Senator FAULKNER—I was asking a broad question with particular attention to those missions that Mr Paterson has outlined with some proximity to Iraq. What measures, in the broad, have been taken to protect DFAT officers and personnel, with particular concern, obviously, about threats of chemical and biological warfare?

Mr Smith—We have done a lot of very detailed contingency planning for the event of conflict in the region. I should say at the outset that that contingency planning applies not just to the safety and security of our own staff but to the safety and security of all Australians in the region. Needless to say, the government is very concerned about the implications for the safety and security of Australians in the event of conflict. One of the important elements of our contingency planning is to ensure that Australians in the region are very alert to the risks that they face. In the consular travel advice that we provide, we include very clear warnings about the situation: about the risk of heightened tensions and the risk of conflict. But there is a very important element of individual responsibility here for Australians.

In relation to our own staff and, indeed, the staff of other government agencies at our embassies and missions in the region, we do, as I said, have contingency planning arrangements that would involve moving progressively as the threat environment deteriorates, by withdrawing dependants, withdrawing non-essential personnel and conceivably, in the worst-case scenario, evacuation and closure of a mission as a whole. What we would look at very closely is the need to ensure that we have, if you like, an emergency presence at those missions to ensure that we can be providing the sort of services, consular and otherwise, that we need to provide to Australians who, for whatever reason, may choose not to follow our advice and may remain. A fundamental premise of all of our contingency planning is that people themselves need to be very alert to the risks to their own safety and to leave the region at the appropriate time as that security situation deteriorates. In relation to the risks posed by a possible chemical or biological weapon attack, I might ask my colleague Mr Richardson to comment on that.

Mr J. Richardson—Perhaps I could start by saying that we have been upgrading the security at our Middle East posts since 11 September 2000. That process has continued in recent months, including using some of the additional funding we received in late 2002. We conducted an assessment of the security risks our Middle East posts would face in the event of a conflict with Iraq and, on the basis of that assessment, we took a number of additional precautionary measures. You would appreciate it would not be appropriate, for security reasons, to comment on any of the details of those measures. One of the key complementary moves we take is to consult very closely with host governments and other missions to ensure a coordinated security response that is appropriate to local levels of risk. In relation to the specific issue of a CB threat, I can confirm that, as part of our ongoing contingency arrangements, a small number of our posts in the Middle East have had CBW protective equipment at various times since the 1991 Gulf War. That equipment is provided for use in the event that we have to run down staff numbers to emergency staff levels and, as my colleague said, there may be a requirement in worst-case scenarios for a small number of emergency staff to stay on long after we have recommended to Australians in general that they leave.

Senator FAULKNER—When you talk about the CBW protective equipment, this is, for example, the protective suits that Mr Paterson was saying and that sort of thing?

Mr J. Richardson—That is correct.

Senator FAULKNER—There are enough to go around?

Mr J. Richardson—We have equipped the emergency staff at our posts. Our intention, as Mr Smith said, is that, consistent with our public advice to Australians generally in the region, at a point that we recommend that Australians consider leaving we would start also to consider the options to run down our staff members.

Senator FAULKNER—Have you fully equipped the emergency staff?

Mr J. Richardson—Yes.

Senator FAULKNER—When were these assessments made?

Mr J. Richardson—They have been made at various times and are under constant review.

Senator FAULKNER—There has been some press coverage—you have probably seen it—and also some questions asked at this estimates committee about the issue of inoculation—in this case, inoculation for anthrax. I have no doubt, Mr Paterson or Mr Richardson, that you have seen that coverage. Could I ask you, in relation to staff of the department and more broadly staff working at Australian embassies, what the situation is in relation to anthrax vaccination?

Mr J. Richardson—May I start by saying that, in our security measures and our contingency planning for our overseas posts, we make no distinction between our departmental staff and the staff of the attached agencies for whom we have overall security responsibility.

Senator FAULKNER—Let me interrupt you there. This means that whatever approach you take it will be consistent across staff from all agencies working in those posts? Is that the point you are making?

Mr J. Richardson—That is correct.

Senator FAULKNER—Let me ask then, in relation to anthrax vaccination, what is the situation in relation to all staff in these posts with some proximity to Iraq?

Mr Richardson—Based on the advice of our medical adviser and on our assessment of the risk to our embassy staff in Middle East posts in their particular circumstances, the department does not currently have plans to vaccinate against anthrax. Of course, as with all aspects of our contingency planning, we will continue to keep that position under review.

Senator FAULKNER—So, for staff working in Australian posts with proximity to Baghdad, there is no requirement for an anthrax vaccination? If a staff member from either your department—Foreign Affairs and Trade—or from another agency wants to have an anthrax vaccination, is there a capacity for them to have one?

Mr Richardson—If a member of staff came to us with that request we would consider it and I imagine we would be able to fulfil it.

Senator FAULKNER—You imagine that you would be able to?

Mr Richardson—Yes, we would be able to.

Mr Paterson—The Chief of the Defence Force, General Cosgrove, has offered to make vaccines available to this department in that contingency.

Senator FAULKNER—Can you explain why Australian Defence Force personnel going to the Middle East are required to have a vaccination but your department has determined no such requirement for people working in these embassies with some proximity to Baghdad?

Mr Richardson—Amongst the measures that we have for the protection of our staff we have included the provision of antibiotics and, as we mentioned, CBW protective suits. I would emphasise that the circumstances and the risk environment in which embassy staff and defence personnel operate are quite different. The measures we take are proportionate to the risk environment our staff operate in.

Senator FAULKNER—I accept that. Of course that is a reasonable point to make: the risk environment is different. I assume that it is reasonable to say, Mr Paterson, that in different embassies and different posts there will be a different risk environment, too?

Mr Paterson—That is correct.

Senator FAULKNER—It seems logical to assume that one of the risk factors would be proximity to Iraq. Would that be right?

Mr Paterson—That is correct.

Senator FAULKNER—It is one of them; I accept that there may well be many others. You are saying that chemical and biological warfare suits—suits for protection against chemical and biological agents—are being provided to certain emergency staff at these embassies. It seems a little illogical to suggest that, if you are prepared to take that course of action, a vaccination for anthrax is not required. Quite frankly, it is illogical when we have a whole range of Australian Defence Force personnel required to have this vaccination if they are travelling to the Middle East. On the surface that does seem to be concerning, Mr Richardson.

Mr Richardson—It is clear to me that the risk environments in which the two agencies operate are quite different. What is appropriate in a particular risk environment may not be appropriate in another. The measures we take are in accordance with our assessment of the risk to our staff in the circumstances in which they operate.

Senator FAULKNER—Why are you providing chemical and biological warfare protection suits to people?

Mr J. Richardson—Because we consider that there is a low risk of them being exposed to chemical or biological threats. Because the consequences are potentially significant, we

provide them with these suits to give them protection against the low likelihood of them being exposed to that risk. If we had information of a specific threat in this area, in exactly the same way as we would advise Australians to leave in those circumstances, we would also withdraw our staff.

Mr Paterson—Obviously, as Mr Richardson has said, in those circumstances we would be seeking the evacuation of those staff immediately if we believed such a threat was imminent or if it had occurred. The protection levels—the suits and so forth that we have provided—are intended to protect staff in that contingency. The contingency faced by ADF personnel could be quite different. Most obviously they may be required to stay in that kind of threat environment over an extended period. I should perhaps add that this is not something that we have simply dreamt up at officials level; we are acting on advice based on very careful assessment by our own departmental medical adviser who has of course been in close consultation with the ADF medical staff.

Senator FAULKNER—I am not suggesting that you have dreamt it up, Mr Paterson, but can you explain to me what your advisers say the difference is between ADF personnel and staff in embassies?

ACTING CHAIR—Senator Faulkner, I think both Mr Richardson and Mr Paterson have done that on more than one occasion in response to your previous questions. They have explained to you the difference between the staff of the Department of Foreign Affairs and Trade and those members of the Australian defence forces who may participate in the potential threat environment we are discussing. If I am not mistaken, they have done that two or three times.

Senator Troeth—Yes.

Senator FAULKNER—With respect, they have not, but if you would cease interrupting the flow of questioning we will be able to get through this a great deal more quickly than if you continue to do so. Why have chemical and biological warfare suits been provided to certain embassy personnel?

Mr J. Richardson—As both Mr Paterson and I have said, they have been provided against the low possibility—in our assessment in the current circumstances—of them being exposed to such a risk. The intention of the suits is to give them protection while they are being withdrawn from the circumstances in which they may potentially have been exposed to such a threat. That is the intention. They are an interim protective measure before they can be withdrawn. However, as Mr Paterson also said, if we assessed that there was a higher threat or likelihood, we would withdraw them. Defence personnel may not have that option and that is a critical difference between our staff and Defence.

Senator FAULKNER—Obviously you are concerned that some of your own staff may not have an option either, hence you have provided chemical and biological warfare suits for them—of course as a last resort and in an unexpected contingency; I appreciate that.

Mr J. Richardson—We said that we would run staff down to emergency levels and that is a contingency measure. The suits are to provide protection for those emergency staff in a situation where the overall threat is still assessed to be unlikely. Once it moved to a situation that we assessed that the threat was higher, we would withdraw those remaining emergency staff before any such incident happened. It is a question of a graduated set of responses in relation to overall levels of risk.

Senator FAULKNER—They have the suits. They have not got the vaccinations. When were these medical assessments made that you refer to?

Mr Paterson—They do have antibiotics.

Senator FAULKNER—What antibiotics do they have, what are they for and why do they need them?

Mr Richardson—They are a precautionary measure.

Senator FAULKNER—What antibiotics are they?

Mr Richardson—The particular type is ciproflaxin.

Senator FAULKNER—What is that for?

Mr Richardson—It is to counteract the effects of exposure to anthrax.

Senator FAULKNER—This has been placed in a number of posts in the Middle East, has it?

Mr Richardson—That is correct.

Senator FAULKNER—How much of that antibiotic is available there? Are there adequate supplies for all those who are currently working in the posts?

Mr Richardson—Yes.

Senator FAULKNER—How long have those antibiotics been there?

Mr Richardson—We made precautions of that type in a range of our posts around the world when it became clear that anthrax was a higher level of risk, as have many other organisations. It is simply a prudent ongoing contingency measure.

Mr Paterson—You asked how recently we had reviewed this. The most recent review of this was undertaken yesterday.

Senator FAULKNER—Why was that undertaken yesterday?

Mr Paterson—It has been part of an ongoing process. We have been dealing with the whole issue of consular contingency planning. We have sought and obtained medical advice from our departmental medical adviser at a number of stages in that process. We are, of course, reviewing these things on almost a daily basis; that is normal. The most recent review was yesterday.

Senator FAULKNER—Do you have sufficient quantities of this antibiotic for staff, and families obviously, including locally engaged staff?

Mr Richardson—As we said, we would intend to run down the number of staff at our embassies. These antibiotics are also fairly commonly available.

Senator FAULKNER—Commonly available where?

Mr Richardson—In many countries. We are satisfied that we have completely adequate supplies of antibiotics.

Senator FAULKNER—For locally engaged staff, too?

Mr Richardson—For those staff who are working in our embassies. That includes our locally engaged staff.

Senator FAULKNER—That is Australian based and locally engaged staff?

Mr Richardson—That is correct.

Senator FAULKNER—So that is all staff?

Mr Richardson—For all of the staff who are working in our embassies at risk, yes.

Senator FAULKNER—Both the Australian based and locally engaged?

Mr Richardson—Yes.

Senator FAULKNER—That is what I was asking you.

Mr Richardson—That applies as well to our chemical and biological suits. That applies to all of our protective measures. We have a duty of care.

Senator FAULKNER—So why was an assessment made as recently as yesterday about anthrax vaccinations for staff in posts?

Mr Paterson—Principally that was at my instigation after I had a discussion recently with the Chief of the Defence Force in which he made an offer to us that, should we take a decision where we wished to make anthrax vaccinations available to staff, he would be prepared to provide sufficient stocks from ADF stocks to enable us to do so. I then sought advice from Mr Richardson, our departmental medical adviser and our consular contingency planning group on that.

Senator FAULKNER—And that advice is: not required?

Mr Paterson—That is correct. But obviously, as Mr Richardson said, if staff indicated a wish to be vaccinated, we would look at setting in place arrangements to enable that to happen.

Senator FAULKNER—You have told them that?

Mr Paterson—We have not yet told them that, no.

Senator FAULKNER—Why not?

Mr Paterson—I guess it is because it has been an issue this week. We will review that in the light of the debate that is going on in Australia and we will seek views from missions probably over the next couple of days.

Senator FAULKNER—Chalk one up for the Senate estimates! At least it gives your staff some sort of chance to have that option.

Mr Paterson—It is of course open to staff to raise that at any time. To this point, to the best of my knowledge none have.

Senator FAULKNER—I am sure a lot of things are open to staff, but how long has the department been considering the issue of anthrax vaccinations for staff? You said it was an ongoing issue and as late as yesterday—I suspect as a result of what was occurring at this Senate estimates committee—you had another think about it. That is fair enough.

Mr Paterson—Protection against anthrax has been an issue for the department since 11 September 2001. You will recall that, following the terrorist attacks in the United States, there was a series of anthrax letters. Those included hoaxes at a number of our missions and indeed at our premises here in Canberra. At that time we reviewed those arrangements and it was at that time that posts were provided with supplies of ciproflaxin.

Senator FAULKNER—So since September 11 there has been no offer to staff for a vaccination until today—14 February 2003—but you are going to make the offer tomorrow or the next day?

Mr Paterson—We have not seen the need for that, based on medical advice. The medical advice from the departmental medical adviser is that, if members of our staff were to be exposed to anthrax, they should immediately begin a course of ciproflaxin. That is considered an adequate response in the circumstances which our staff face.

Senator FAULKNER—Can you be certain in all circumstances about access to the vaccine? Can you be certain about exposure to anthrax? For example, access to the antibiotic and whether or not there actually has been exposure to anthrax and the like are some—and only some—of the reasons put forward of the good sense of a vaccination program. I am making no judgment about those matters, but at face value they make a bit of sense. Surely they are considerations for this department as well. How do you necessarily know you have been exposed to anthrax? How do you know, if you have been exposed to anthrax at a post, that you are necessarily able to access the antibiotics and the like? Are you satisfied on all these sorts of issues?

Mr Richardson—Yes, we are. We have had standing instructions with our posts since 11 September 2001 and we have reiterated on a number of occasions that they need to ensure that they have access to immediate supplies of these antibiotics and asked them to review their security arrangements on a fairly regular basis. We also seek feedback from our posts on what they perceive to be any needs that we have not addressed, so that we have a constant, frequent dialogue with our posts on what they see as their security needs in the circumstances that they are in, which they are best placed to assess but which we obviously take into account in our actions.

Senator FAULKNER—Are you now likely to contact certain embassy based staff and offer the possibility of an anthrax vaccination in these circumstances?

Mr Paterson—I think that would be a perfectly reasonable thing to do. But, in doing so, we would provide advice from our departmental medical adviser, whose judgment is that, given the contingency arrangements we have in place and the threat faced by our staff, at this point that is not necessary.

Senator FAULKNER—But are you going to do it? I think you were indicating that you probably were likely to do it, and do it very soon. Is that right or wrong?

Mr Paterson—Yes, Senator.

Senator FAULKNER—Yes, it is right or yes, it is wrong.

Mr Paterson—Yes, it is right.

Senator FAULKNER—When will you contact the embassy based staff?

Mr Paterson—We can do that today. For most of them, of course, there is about an eight-hour time difference. Once we are through these hearings we will set that process in train and the posts will have that roughly around the opening of business on Friday their time.

Proceedings suspended from 10.31 a.m. to 10.45 a.m.

ACTING CHAIR—Senator Collins has advised me that she has some questions pertaining to a matter that she was pursuing yesterday. I have indicated that, if the officers are not here because of the arrangements, those questions can be taken on notice and responded to accordingly.

Senator JACINTA COLLINS—Dr Raby was part of the discussion we had yesterday and he may be able to assist me in part. This question relates back to the evidence that you provided to the CMI committee in May of last year when the committee was asking about the letter that Minister Hill had written to Mr Crean in relation to SIEVX and, amongst other things, the vicinity in which it may have sunk. At the time you indicated that you did not know of that letter, and a copy of the letter had been tabled and was then provided to the department. A question on notice was then provided. I will give you the reference to the question because the department responded to it. It was question No. 11 of 19 June last year.

The question was framed, ‘Do the contents of Senator Hill’s letter to Mr Crean tabled in the committee on 1 May match DFAT’s understanding of events?’ The answer that was received was, ‘DFAT does not have access to sources of information on Defence and Coastwatch operational issues other than the Department of Defence and Coastwatch.’

We now know the content of this DFAT cable, which provides a fairly significant level of detail leading to the vicinity of the sinking of the SIEVX—although it may still not be fully clear as to where this vessel sank. Why was the detail of this cable not provided on that issue to the committee in response to that question?

Dr Raby—I do not follow all the links in the question. I think the best thing to do, so that I can review material provided to you some time ago and so we can have a look at what has been provided to you on notice, is that we take this question on notice and have a look at it.

Senator JACINTA COLLINS—The issue, just so that you are clear—I understand that there are a few links in the question which, after the amount of time you have had in estimates now, might be difficult to follow on the spot—is that on the face of it, at least from my end, it appears as if the answer the department gave to that question was unsatisfactory on the basis that we now know that information about the vicinity of the sinking of SIEVX was in the hands of the department, as evidenced by the content of this cable of 23 October that the committee received the week before last. I understand that you dealt with the question from the chair of the committee at the time, but that you may not have been privy to that information. You might be able to assist us by clarifying matters pertaining to the cable. You are down as one of the addressees in the cable. Did you see this cable?

Dr Raby—I honestly cannot recall at this stage.

Senator JACINTA COLLINS—Perhaps you can review that and come back on that issue on notice as well.

Dr Raby—I am happy to do that.

ACTING CHAIR—We return to questions on 1.1.4, South Pacific, Africa, and the Middle East.

Senator FAULKNER—I want to know whether the department is aware of any Australians travelling to Iraq as so-called ‘human shields’. Are there any, to your knowledge?

Mr Smith—We are aware from media reports of one Australian who has reportedly travelled to Iraq for that purpose.

Senator FAULKNER—I have probably seen the same or similar media reports. As I understand it, again from media reports—and you might be able to confirm this—there are people from other countries supposedly going to Iraq for that purpose. Is that correct, Mr Smith?

Mr Smith—We understand so, yes.

Senator FAULKNER—To your knowledge, has the Australian entered Iraq?

Mr Smith—I do not know.

Senator FAULKNER—If that were the case, that knowledge would not necessarily be available to you anyway, would it?

Mr Smith—No, it would not.

Senator FAULKNER—But it is possible?

Mr Smith—It is possible, yes.

Senator FAULKNER—What, if any, thought have you given to concerns about those people in the circumstances of the planning that Mr Paterson and other officials have spoken about? Are there any particular measures or contingency plans you have with regard to any Australians who are ‘human shields’?

Mr Smith—The obvious point to make is that this is an act that we would very strongly discourage. We advise all Australians not to travel to Iraq, for whatever purpose. There are some Australians in Iraq as part of the United Nations operation there. If it came to an evacuation, they would be covered by the United Nations’ own evacuation plans. The individual who is reported to be travelling to Iraq as a so-called ‘human shield’ has not volunteered to register with the Australian Embassy in Amman, for reasons that are probably pretty obvious. We encourage Australians to do that so we can find them if we need to in the event of a conflict. If they do not do that, there is really very little that we can do for them, and that goes back to the point I made earlier about there being an element of individual responsibility here.

Senator FAULKNER—Is any thought or planning being given to how these sorts of individuals might be treated? Are there any protocols about their treatment?

Mr Smith—By the Iraqi authorities or by Australian authorities?

Senator FAULKNER—No, I was wondering whether you had any discussions with the US about this.

Mr Smith—Not in any detail.

Senator FAULKNER—It is not an issue that you have given much attention to?

Mr Smith—No, not at this stage. I have had some general discussion with my US and UK counterparts. They have larger numbers of people who they understand to be travelling there, but we have not got into any sort of detail; they were very general discussions. Again, the point is that it is a very regrettable circumstance and, frankly, these people are foolish for putting themselves in this position.

Senator FAULKNER—That is fair enough. But I was wondering whether the concerns had gone past the informal discussions you have had with your UK and US counterparts about the treatment of these sorts of people.

Mr Smith—No, Senator.

Senator FAULKNER—Is it likely to be a matter that is discussed further?

Mr Smith—If it becomes a more real and apparent problem I think it is something we will obviously look at, yes. But, as I said, we are only aware from media reports of an Australian intending to go.

Senator FAULKNER—What do you do in that circumstance?

Mr Smith—We appeal for commonsense.

Senator FAULKNER—I accept the point you make about what an unfortunate circumstance this is and, as you have said—I think fairly and properly—it is foolish. But if an Australian comes to your attention have you given any thought to what you might do?

Mr Smith—The most important element is one of prevention and, as I said, we appeal to the commonsense of the individuals not to do this. If there were an Australian there as a ‘human shield’ then presumably that person is intent on remaining when conflict begins. Again, we think that is a silly thing to do. In those circumstances, presumably the individual would not be volunteering to be assisted. If, for example, they changed their mind and said, ‘I

am sorry, I made a terrible mistake; get me out,' then we would obviously do what we could to get the individual out. But it has to be understood that our ability to assist in those circumstances would be very limited. That is a point that we need to reinforce: if there is conflict, our ability to help people in Iraq in particular is very limited.

Senator FAULKNER—Have you got a feel from the UK or the US about the numbers of people who might fall into this category?

Mr Smith—I do not, no.

Senator FAULKNER—Mr Paterson, we are very well aware of Saddam Hussein's appalling human rights record. I wondered what your assessment was of those who are most at risk in Iraq—those Iraqi nationals most likely to be targeted by the regime. Have you been making those sorts of assessments in your work with the task force?

Mr Paterson—These are probably principally intelligence assessments and I do not consider myself to be an expert in that area. I am not quite clear what groups or individuals you are talking about. Are you talking about minorities within Iraq like the Kurdish minority or the Shia majority in Iraq, which have both been targeted by the regime previously—there are other smaller ethnic and religious groups: Assyrians, Turkomans, Chaldeans, and people like this; I am not quite clear—or are you referring to dissidents generally?

Senator FAULKNER—Any of those might fall into this category. I wondered particularly about the risks faced by returnees.

Mr Paterson—Returnees now or returnees in the wake—

Senator FAULKNER—Now and in the future.

Mr Paterson—It is a concern, I think, that if there were to be a military conflict and a change of regime was the result, bloodletting and vengeance might occur in the wake of that. This is a country where there are undoubtedly a lot of people who bear grudges against a lot of other people as a result of the repression they have faced over the last quarter of a century and going on well beyond that. Figuring in United States planning in relation to Iraq, there is very great concern that the maintenance of law and order would be a very high priority and an extremely important issue.

Senator FAULKNER—Are you aware of any returnees having been targeted by the Iraqi regime?

Mr Paterson—Of course, over time, there are celebrated cases. The case of Saddam's brother-in-law, General Hussein Kamel, who defected from Iraq to Jordan, revealed the existence of biological and chemical weapons programs. He was subsequently encouraged to return to Iraq, where he and a number of members of his family were subsequently executed. It is our judgment that there is probably a range of other similar cases, but I do not have precise details. It would obviously be extremely high risk. If you had left Iraq as some sort of dissident, then I think you would risk being targeted on return. I hasten to add that that would be if you left Iraq as a dissident. Certainly from my own experience, when I lived there, a lot of Iraqis were able to travel overseas on holidays and that sort of thing. I think if the reason for leaving Iraq is not opposition to the regime, then return would probably be okay, I imagine.

Senator FAULKNER—What about asylum seekers?

Mr Paterson—I do not really know about that. I think their individual circumstances and individual reasons for leaving would have to be assessed. I am not really in a position to comment on those, of course.

Senator FAULKNER—I notice that yesterday Mr Downer said, ‘We don’t send people back who would be at risk. We send back people who we think have been rotting the system.’ I am interested to know how we can establish that any people who return to Iraq from Australia are not at risk. Can we be certain of that?

Mr Paterson—I think it is obviously difficult, in a totalitarian country where we do not have diplomatic representation, to be absolutely certain of that.

Dr Raby—I think this is a question for DIMIA. They do refugee determinations, and the basis for the determination is one for them.

Senator FAULKNER—It was Mr Downer who made the comment. He is the one who said it.

Dr Raby—You could direct your question to Mr Downer as well.

Senator FAULKNER—No, I cannot. I am dealing with the estimates of his department. You interrupted Mr Paterson, who was in full flow.

Dr Raby—We cannot answer for areas for which we are not responsible nor are we able to speak on behalf of the minister.

Senator FAULKNER—Mr Downer said on ABC radio yesterday, ‘We don’t send people back who would be at risk. We send people back who we think have been rotting the system.’ That is what he said, and I want to know how we can be sure.

ACTING CHAIR—Having the valuable opportunity to participate in both the Immigration estimates and these estimates, Dr Raby is accurate in the assessment that he makes of the policy responsibilities of the separate departments that the question you have asked of Mr Paterson is better directed to towards DIMIA. If you wish the department to take on notice a question to the minister in relation to the specifics of his statement, then they can do so.

Senator FAULKNER—All I will ask the parliamentary secretary representing the minister at the table—

ACTING CHAIR—She can take that on notice for the minister, too—

Senator FAULKNER—She takes everything on notice.

ACTING CHAIR—and provide you with the most accurate response as possible.

Senator FAULKNER—We will just see whether, given the minister made this statement yesterday, on this occasion the parliamentary secretary might care to comment. How can Minister Downer make a statement, ‘We do not send people back who would be at risk.’ All I want to know is how the minister knows that people who are returned from Australia to Iraq are not at risk. Can you help me with that?

Senator Troeth—Mr Downer’s last words in that statement referred to ‘the system’. The system is confined totally within the Department of Immigration and Multicultural and Indigenous Affairs, so I would suggest that that is a question for them. Obviously Mr Downer, with his broad cabinet experience, would be making that comment, but that question is within the system of the department of immigration. Certainly I know very well, from every electorate inquiry that I have in my electorate office, that all of that issue—who is to be returned and for what reasons—is dealt with totally within the department of immigration. Therefore, Dr Raby is perfectly correct.

Senator FAULKNER—Does the Department of Foreign Affairs and Trade do assessments on the safety of people returning to Iraq?

Dr Raby—Immigration responsibilities are the responsibility of the department of immigration, and that includes refugee matters as well.

Senator FAULKNER—I am aware that refugee matters are the responsibility of DIMIA, but I am asking whether the department of foreign affairs does assessments on the safety of people returning to Iraq. If you do not do it, that is fine, but it is a reasonable question to ask.

Dr Raby—There is no need for us to do it because we do not have responsibility in that area.

Senator FAULKNER—So you do not do it?

Dr Raby—No, Senator.

Senator FAULKNER—According to Mr Downer, of course, these people are not refugees. Does that make any difference? You talk about refugees; he makes the point that these are not refugees.

Dr Raby—Immigrants, illegal immigrants or people of any sort of category who come to Australia by whatever means in this situation are the responsibility of the department of immigration.

Senator FAULKNER—So the Department of Foreign Affairs and Trade does not do human rights assessments on situations in a range of countries, including Iraq. Is that what you are saying to us?

Dr Raby—We do look at human rights situations in various countries.

Senator FAULKNER—Do you do human rights assessments in relation to Iraq?

Dr Raby—I will take that on notice.

Senator FAULKNER—Do you not know, Dr Raby, whether the department of foreign affairs does human rights assessments about Iraq? That is extraordinary. Are you really saying that you cannot answer that question at this committee?

Dr Raby—I am saying that I cannot answer that question.

Senator FAULKNER—Why not?

Dr Raby—I am not sure we have the right officers here.

Senator FAULKNER—Surely someone on the Iraq task force would know. Which member of the department prepared the dorothy dix answers for Mr Downer to the questions that were asked in the House of Representatives over the last fortnight on these issues?

Dr Raby—That is a question you should direct to the minister.

Senator FAULKNER—Did the department have any role in preparing question time briefs for Minister Downer over the last fortnight?

Dr Raby—The department prepares question time briefs for the minister as a matter of course.

Senator FAULKNER—Have you had a look at the answers that he gave in the parliament? They canvassed these issues.

Senator Troeth—I would like to make a point here. As you know, Mr Downer is a senior cabinet minister. From his discussions in cabinet, he can say and make the points that he wants to make. It is not appropriate, I believe, for the department to comment further on this. Mr Downer has made the statement. If you wish to question him about it, you should direct your questions to him.

Senator FAULKNER—If I wanted to question the minister, I would direct my questions to you—which has proven to be an utterly useless exercise, because you have not yet been able to answer one question in the portfolio where you are the parliamentary secretary.

Senator Troeth—That is not true.

Senator FAULKNER—I can address all my questions to you, if you like, but it does seem to be a waste of time, given our experience over the last 48 hours.

ACTING CHAIR—Senator Faulkner, you can continue to go down that road, but it will prove as unproductive and as offensive as it did last night.

Senator FAULKNER—Of course it is unproductive.

ACTING CHAIR—I suggest that if you have particular and specific questions on the issue—

Senator FAULKNER—I have, yes.

ACTING CHAIR—you should raise those with the officers who are now at the table.

Senator FAULKNER—I want to know what role the department had in preparing the question time briefs for Minister Downer that Dr Raby has informed me is off limits for the department. Let us establish that: whether the department had any role.

ACTING CHAIR—Senator Faulkner, I am not sure that you have represented his previous response accurately.

Dr Raby—What did I say was off limits to the department, Senator? I am not clear on that point.

Senator FAULKNER—I beg your pardon?

Dr Raby—You said that I said something was off limits to the department. I am not sure on what point. I did not use those words, I don't think. I am not sure what you are referring to.

Senator FAULKNER—What you said was off limits, what you were not able to answer, was about whether the department had done any assessment of human rights matters in Iraq. I found that incredible, and I do find it incredible.

Dr Raby—Now I am advised that we can answer that, because the appropriate officer is here.

Senator FAULKNER—Thank you very much. I thought someone could.

Mr Paterson—To clarify: you asked about Mr Downer's answer given in parliament this week on Iraq's human rights record. Indeed, a draft was passed to his office, cleared by my task force. You might recall that that drew quite heavily on Amnesty International and other reports of the human rights situation in Iraq.

Senator FAULKNER—You don't send a drop copy of these things up the chain to Dr Raby or Dr Calvert? Obviously not.

Mr Paterson—No. It is available, however, more widely in the department. However, I should add that our judgments made on human rights in Iraq, such as they are—they are partly limited by the fact that we have no resident representation there—are not specific to the conditions which may be faced by asylum seekers, for instance. That we consider to be part of the refugee determination process.

Senator FAULKNER—Thank you for that. See, it was not too hard after all. I did not think it would be. One assumed that that process had taken place. That is why I thought it

were better, Dr Raby, that we had a more correct and fulsome answer than the one that was provided previously.

Dr Raby—As I said, that is why we wanted to bring to the table the officer who has the responsibility in that area.

Senator FAULKNER—Thank you. I appreciate it. With your work in the Iraq Task Force, Mr Paterson, are you able to say whether we can be assured at this committee that any person, call them whatever you like—‘asylum seeker’ tends to be the generic term that is now used in this country, but I do not care what term is used by you—any asylum seeker who returns to Iraq from Australia is not at risk?

Mr Paterson—That I think is a judgment to be made by those involved in the refugee determination process.

Senator FAULKNER—How can the minister say, ‘We don’t send people back who would be at risk. We send people back who we think have been rorting the system’? Were the minister’s words developed in your task force, Mr Paterson?

Mr Paterson—I think that those are issues that pertain to the responsibilities of the Department of Immigration and Multicultural and Indigenous Affairs. It does not pertain to the work of the task force.

Senator FAULKNER—I am aware that the minister was speaking outside his portfolio area. We have been assured by Senator Troeth that, as a senior cabinet minister, the minister can range widely on these issues. That is all fair enough. All I am asking is: were those words prepared in the department? I am not asking for a view about them or anything else.

Dr Raby—I think that goes to the heart of being communication between the department and the minister. We are not prepared to—

Senator FAULKNER—That is nonsense. Either they were in the question time brief or other briefs prepared or they were not. It has taken about 10 minutes to winkle out the fact that the Iraq Task Force prepared the dorothy dixer. All I am asking is: was that prepared as well? How did Mr Downer get this so wrong? Do you know, Senator Troeth?

Senator Troeth—Get what wrong, Senator?

Senator FAULKNER—Oh, follow the game! His comments about the risk to people who will return to Iraq from Australia.

Senator Troeth—While I would not be speaking on immigration policy, that is a general government position that I think would be well known, not only to all members of the parliamentary party, but particularly to senior cabinet ministers such as Mr Downer. There is a system, and that system remains within the department of immigration, to determine the status of those people who come to this country.

Senator FAULKNER—I am not even sure that such people are even returned to Iraq. Are they, Mr Paterson?

Mr Paterson—That falls way beyond the area of expertise of the task force. I simply could not comment on that.

Senator FAULKNER—Did the department prepare or assist in the preparation of Mr Downer’s assessments of the Iraqi regime and human rights issues in Iraq, which he spoke about at some length in the House of Representatives this week?

Mr Paterson—Senator, I think I have already answered that question. We prepared some initial draft points that were forwarded to Mr Downer’s office, which related to the human rights situation in Iraq.

Senator FAULKNER—So, when your minister makes the statement, ‘We do not send back people who are at risk,’ you cannot tell me whether that statement is right or wrong; you cannot tell me whether people are sent back at all; but it is all right for the Minister for Foreign Affairs to talk about this stuff on ABC radio and then say that we send back people who we think have been rorting the system. Briefing sounds very inadequate to me.

Dr Raby—Senator, as much as all of us would like to think that we are the only source of advice for the minister, I am afraid we are not. The minister has multiple sources of advice.

Senator FAULKNER—I knew that would be the case at the end of the day, Dr Raby. I knew it would be a not guilty verdict as far as the department was concerned. I did not think that you could be so silly.

Precisely when did Mr Downer meet with High Commissioner Lackey in October 2002? We know the month, but what was the precise date of that conversation?

Mr Warner—I understand that it was 24 October.

Senator FAULKNER—Are you able to give any information to the committee about the nature of those discussions?

Mr Warner—No, Senator.

Senator FAULKNER—Beyond what has been leaked? Here is a chance to put the official spin into the public arena.

Mr Warner—I am sorry, Senator, what was your question?

Senator FAULKNER—As you know, part of that conversation was leaked. Are you aware of that?

Mr Warner—Yes.

Senator FAULKNER—Has the department given any consideration to more fulsomely providing an indication of the nature and breadth of those discussions?

Mr Warner—Not that I am aware of.

Senator FAULKNER—I see. Are you able to say what the context was of High Commissioner Lackey’s question on a UN mandate for action in Iraq?

Mr Warner—No, I am not.

Senator FAULKNER—And there has been no contact—nothing at all—through diplomatic channels from New Zealand about the leaking of this conversation?

Mr Warner—I seem to recollect that I was asked that question yesterday and my answer was no.

Senator FAULKNER—Has Mr Downer had any subsequent discussions with High Commissioner Lackey?

Mr Warner—I am not in a position to answer that question.

Senator FAULKNER—Why not?

Mr Warner—I think it would be a question you would have to put to the minister.

Senator FAULKNER—I think normally that is the sort of information that would be provided at an estimates committee—I do not see any problem with that. Why would I have to put it to the minister? Surely the department is aware of minister to high commissioner meetings, if there have been any.

Dr Raby—We could answer that if we had the information.

Senator FAULKNER—I know you could answer it. The only question is: will you?

Mr Warner—I can provide a little bit more information. I understand that the high commissioner was present at a meeting in December between Mr Downer and his New Zealand counterpart.

Senator FAULKNER—Thank you for that. Have there been any discussions between Mr Downer and the high commissioner since the leaking of that particular conversation?

Mr Warner—I am sorry, I was having a discussion with Dr Raby. Your question was whether there had been any subsequent conversation?

Senator FAULKNER—Have there been any subsequent conversations, meetings or discussions with the high commissioner since the leaking of part of the record of conversation?

Mr Warner—Not that I am aware of.

Senator FAULKNER—If there had been, I assume you would have been aware of it.

Mr Warner—I would assume so too.

Dr Raby—Although not necessarily—the minister can pick up the telephone and ring whomever he pleases. He does not necessarily always tell the department.

Senator FAULKNER—Of course he can pick up the telephone and ring whomever he pleases. But the department is not aware of any conversations that have taken place between the minister and the high commissioner since the leaking of the document?

Dr Raby—With that caveat, Mr Warner's answer stands.

Senator FAULKNER—What about on an officials basis? Has anyone given any thought to explaining to the high commissioner the background to part of this record of conversation being made public?

Mr Warner—Not that I am aware of.

Senator FAULKNER—I am a bit surprised by that. I would have thought in the circumstance where something like this gets such public notoriety that some contact would have been made.

Mr Warner—I did have a meeting with the high commissioner—I do not remember the precise date—sometime after the material appeared in the newspaper, but that was an introductory call. My recollection is that there was some passing reference but not at all a detailed conversation.

Senator FAULKNER—So what was the passing reference?

Mr Warner—Just to the fact.

Senator FAULKNER—Who initiated that? Did you or the high commissioner raise it?

Mr Warner—I think probably I raised it, but I might be wrong.

Senator FAULKNER—Are you able to tell us why you raised it?

Mr Warner—It was in the public domain. It was just one of the issues that came up in a reasonably lengthy conversation about the bilateral relationship.

Senator FAULKNER—So you raised it?

Mr Warner—As I said, I believe that is the case.

Senator FAULKNER—Did you express regret?

Mr Warner—No, Senator.

Senator FAULKNER—So no-one has expressed regret—

Mr Warner—As I said, it was a conversation about the fact.

Senator FAULKNER—Dr Raby, has anyone to your knowledge expressed any regret to the New Zealand High Commissioner, or more broadly to New Zealand, about this matter being in the public domain?

Dr Raby—Not that I am aware of.

Senator FAULKNER—You wouldn't normally do that in a circumstance like this? When Dr Calvert claims that someone in Department of Foreign Affairs and Trade has leaked such a sensitive document, you wouldn't normally touch base and indicate a bit of regret for this? It's just par for the course, is it?

Dr Raby—The minister made a number of public statements around the time. The relationship with New Zealand is very close. The minister's displeasure over the leak was evident from those public statements and I think our New Zealand colleagues would read into that that this is something that we take very seriously, which we are deeply concerned about and which we wish had not happened.

Senator FAULKNER—But you do not think that there is a necessity for it to be raised in a more direct formal or informal way? You think a public statement is the way to do it?

Dr Raby—I think the minister expressed his great unhappiness with the fact of the leak and that stands.

Senator FAULKNER—Yes, he expressed it publicly but apparently no-one has expressed it to the New Zealand High Commissioner. That is the case, isn't it?

Dr Raby—That is what has been said.

Senator FAULKNER—I do not pretend to know anything about diplomacy. In fact, diplomacy is not my long suit, as you might have gathered. However, I would have thought that a mild expression of regret about something like this to an extraordinarily close neighbour, such as New Zealand, in these circumstances might have been called for. But that is not the way you would ordinarily do business, is that right?

Dr Raby—Fortunately this is not an ordinary matter.

Senator FAULKNER—What do you mean by that?

Dr Raby—It happens very rarely and, in this particular case—who knows what another circumstance might be—the minister made very strong statements about his unhappiness. That seems to be a very clear indication of how the government feels about this. I am sure that has been noted by our New Zealand colleagues.

Senator FAULKNER—So this is all done by public statement, not by assurances of any other nature?

Dr Raby—I think Mr Warner has already answered that question. There has not been other contact—

Senator FAULKNER—I am just trying to understand how you do business. The secretary of the department has indicated that he and the department have been severely embarrassed by this. That is true, isn't it?

Dr Raby—Yes.

Senator FAULKNER—Do you think Mr Downer has been extremely embarrassed by it?

Dr Raby—Yes.

Senator FAULKNER—I think that is pretty clear from what he has said. Is it not possible that the New Zealand High Commissioner was also embarrassed?

ACTING CHAIR—I am not sure that the officer is in a position to comment on the state of mind or feelings of the New Zealand High Commissioner, Senator Faulkner.

Senator FAULKNER—That is true, but this is a record of conversation involving two sides: the Australian foreign minister and the New Zealand High Commissioner. We have now established that the secretary of the department is embarrassed, the department is embarrassed and the Australian minister is embarrassed. I wondered whether in the circumstances any thought had been given to the fact that perhaps the New Zealand High Commissioner was embarrassed. Isn't it possible, Dr Raby, that the New Zealand High Commissioner is embarrassed too?

Dr Raby—I do not think it is helpful for me to comment on that as such but I refer you back to the minister's public statement, and that is a very strong statement of concern. One would hope that that was read as such.

Senator FAULKNER—No doubt the New Zealand High Commission have a very good press clipping service, because they would need it; you have made no direct contact. I have nothing further on that particular issue.

ACTING CHAIR—That particular issue or 1.1.4?

Senator FAULKNER—That particular issue.

ACTING CHAIR—So we are still on 1.1.4?

Senator FAULKNER—Yes.

ACTING CHAIR—Do you, Senator Faulkner, if I could just seek some guidance for the officers of the department, intend to go through the other areas that you reserved for consideration last night, given that there are—

Senator FAULKNER—I intend to go as far as I can go before we get to 12.30, but let me look at it and see if we can try and prioritise. I am happy to do that. We have about an hour, haven't we?

ACTING CHAIR—We have 57 minutes, Senator Faulkner.

Senator FAULKNER—Indeed. I think we can probably move to output 1.2 on the basis that, in relation to 1.1.4 and 1.1.7, I might place some questions on notice.

ACTING CHAIR—Thank you, Senator Faulkner. Questions in that area, and if you have any others, will be placed on notice.

[11.33 a.m.]

ACTING CHAIR—We now move to output 1.1.2.

Senator FAULKNER—I wonder whether Dr Raby could give the committee a brief update on the security situation facing the Australian embassy in Manila with, of course, our usual understanding in relation to providing information that will negatively impact on that situation?

Dr Raby—I invite Mr Tighe to respond.

Mr Tighe—I can advise you that the chancery in Manila reopened in early January.

Senator FAULKNER—It was closed during November and December 2002, wasn't it?

Mr Tighe—It closed on 28 November and remained closed until 2 January.

Senator FAULKNER—Are you able to say why it closed?

Mr Tighe—We had received some advice of a specific security threat to the embassy. Our judgment was that we could not adequately protect the welfare of the staff of the embassy and the Australian, Filipino and other citizens that visited the embassy, so we chose to close the chancery.

Senator FAULKNER—Did the embassy effectively relocate?

Mr Tighe—A base level of embassy activities were maintained from other locations within Manila, and the embassy will relocate on a permanent basis in a few months time.

Senator FAULKNER—Was there much disruption to the services provided by the embassy during that period?

Mr Tighe—Clearly there was a level of disruption. The services that we gave priority to continuing in particular were the consular services, which we were able to do by diverting some consular inquiries back to our consular centre in Australia, in Canberra. We are very thankful for the assistance from the New Zealand Embassy in Manila, which allowed some of our officers to continue working from their location.

Senator FAULKNER—Did you bear significant costs as a result of this?

Mr Tighe—Financial costs?

Senator FAULKNER—Yes.

Mr Tighe—I do not think the act of closing the chancery cost us significant amounts of money. The redirection of consular activity was relatively cost free; there were only some minor communications costs.

Senator FAULKNER—Would you be able to take on notice the costs of closure and relocation and the like? I think it would be best if we did it that way.

Mr Tighe—Certainly.

Senator FAULKNER—I appreciate that. That would be helpful. Was there any view at all that the bilateral relationship was affected by the closure of the embassy?

Mr Tighe—No, I do not think so. The Philippines government was very supportive during that period. At the time the embassy reopened, the Philippines government provided some additional security for us, and the bilateral relationship has continued.

Senator FAULKNER—Did you receive representations from the Philippines government about the closure of the embassy?

Mr Tighe—Yes, there were discussions informing the Philippines government about the decision.

Senator FAULKNER—What was their nature?

Mr Tighe—It was simply a question of explaining the basis for the decision, our plans in terms of responding to the situation we found ourselves in and ultimately our plans for reopening the chancery.

Senator FAULKNER—At what levels of the Philippine government were those concerns expressed?

Mr Tighe—There were discussions at ministerial level and at senior official level.

Senator FAULKNER—Are you able to say, within the usual provisos, what security measures have been introduced by the embassy to ensure maximum security of personnel and the embassy itself?

Mr Tighe—At a very broad level—and I would prefer to leave it at a broad level—we have reconfigured some of the physical layout of the chancery, and the Philippine authorities have also offered additional protection.

Senator FAULKNER—Was the threat that was faced a very new sort of threat—effectively unprecedented? Had the embassy or embassy staff in the Philippines ever been subject to a terrorist threat before?

Mr Tighe—Again, we would sooner avoid going into the specific details of the security issues surrounding this event, but it was exceptional.

Senator FAULKNER—Have there been other occasions when you have had to take additional security measures?

Mr Tighe—In Manila?

Senator FAULKNER—Yes.

Mr Tighe—As I think Mr Richardson explained in the context of an earlier question, we are constantly reviewing security issues, constantly upgrading security. That has happened in Manila, as with other embassies, but there has been no previous time when we have had to close the chancery in Manila.

Senator FAULKNER—So this was, effectively, of a different order from what you had faced previously?

Mr Tighe—Yes.

Senator FAULKNER—I have no further questions on 1.2.

[11.42 a.m.]

ACTING CHAIR—We will move to 2.1.

Senator FAULKNER—Could I ask for a very broad outline to the committee of what rights an Australian has if they are detained in a foreign country—just a very quick overview for us.

Mr Smith—I take it you mean, Senator, rights of assistance from the Australian government.

Senator FAULKNER—Yes.

Mr Smith—We provide consular assistance to Australians who have been detained in other countries, as we do for all Australians who are in trouble overseas.

Senator FAULKNER—Have you provided any consular assistance to Jack Thomas while in detention in Pakistan?

Mr Smith—Yes, we have. We have had consular access to Mr Thomas.

Senator FAULKNER—Could you outline, for the benefit of the committee, what assistance has been provided?

Mr Smith—The Australian consul in Islamabad conducted a consular visit with Mr Thomas on 22 January. He reported to us, on the basis of that visit, that Mr Thomas was in good health and appeared to be well treated by Pakistan authorities. We, on the basis of that, did provide advice of that contact and his wellbeing to his family in Australia.

Senator FAULKNER—Am I to assume from that that Thomas received consular assistance on only one occasion?

Mr Smith—That is correct.

Senator FAULKNER—Are you able to say how many times, if any, Thomas received visits by Australian government officials other than consular?

Mr Smith—I am not, Senator. That would be a matter for other agencies.

Senator FAULKNER—Are you able to say whether there is any credibility to the suggestions that Thomas will be moved from Pakistan to Guantanamo Bay?

Mr Smith—I am not able to comment on that because it does not fall within my responsibilities.

Senator FAULKNER—Whose responsibility does it fall within?

Mr Smith—That would be a matter for the Attorney-General's Department.

Senator FAULKNER—When would you be informed if this were the case?

Mr Smith—We would expect to be informed, if it were being considered or likely, as a matter of normal courtesy by the Pakistani government.

Senator FAULKNER—Before it happens or after it has happened?

Mr Smith—We would expect to be informed before it happened or when it was under consideration. But these really are matters for the Attorney-General's portfolio.

Senator FAULKNER—There was an article in the *Australian* newspaper a week or so ago reporting the views of the Pakistan interior ministry secretary—I do not know whether you saw this—suggesting that Pakistani authorities were waiting for a request from the Australian government to take Thomas into custody and return him to Australia. Do you have any comment on that article? I assume you have seen it, have you?

Mr Smith—Yes, we have seen it. When we saw it we took the obvious and prudent step of asking our High Commission in Islamabad to follow it up. They spoke to the Pakistani authorities to see whether there was any basis to the report. The Pakistani authorities have refuted the information that was in those reports.

Senator FAULKNER—Has any application been made to have Thomas returned to Australia?

Mr Smith—Not to my knowledge. Again, that is a matter for the Attorney-General's Department, principally.

Senator FAULKNER—Are you able to say at this stage whether there is any publicly available evidence about Thomas and any association with al-Qaeda?

Mr Smith—No, I am not able to say. I am not trying to be unhelpful. My responsibilities extend to the consular function, and what you are addressing are law enforcement matters. Again, they are the responsibility of the Attorney-General's portfolio.

Senator FAULKNER—I appreciate that. I am asking whether any of this sort of information has been passed to the Department of Foreign Affairs and Trade, that is all. It may well not have been, and that is fine if that is the case.

Mr Smith—Not that I am aware of, Senator.

Senator FAULKNER—But if it had been, I assume you would have been aware of it.

Mr Smith—I would be if it had a bearing on the consular assistance that we provide.

Senator FAULKNER—At this stage, Thomas has received consular assistance on one occasion: on 22 January 2003.

Mr Smith—That is right.

Senator FAULKNER—And that involved a visit from the consul general?

Mr Smith—From the consul.

Senator FAULKNER—Sorry, from the consul. Are you able to say whether there were any other elements to the follow-up from that particular visit?

Mr Smith—There would have been follow-up on the consular side. One aspect, as I mentioned earlier, is that we have since been in touch with Mr Thomas's family, as we would normally do in consular cases.

Senator FAULKNER—Let me just ask this, so we can be clear. What occurred as a result of the consul's contact with Thomas on 22 January? Could you just outline what that was, to your knowledge?

Mr Smith—The first thing we did was to advise Mr Thomas's family in Australia of the consular visit and to assure them as much as we could about his health and the nature of his treatment. One thing I should have mentioned earlier that we did—again, as part of our normal consular assistance—was that we provided Mr Thomas with a list of possible lawyers. Whether or not he follows up on that is his own decision, because it would then become a private legal matter. I do not have any details to hand of other specific follow-up that was done pursuant to that consular visit, with the possible exception, I should add, that we continue to follow up with the Pakistani authorities the question of the specific charges which are being considered in respect of Mr Thomas.

Senator FAULKNER—Are you aware of whether any other consular visits are planned?

Mr Smith—My expectation is that we will have additional further consular visits. I do not know if a specific date has been set.

Senator FAULKNER—But there is nothing beyond a broad expectation at this stage.

Mr Smith—No.

CHAIR—That is all we have on output 2.1. Thank you, Mr Kemish, Mr Smith and Mr Nash.

[11.33 a.m.]

CHAIR—We will now move to 4.1.

Senator FAULKNER—I think this is in the property management area, again in relation to the Australian Embassy in Manila. What is the current location of the embassy?

Mr Davin—Our current embassy is located over five floors in a 14-storey building in the Makati area, which is the central business area of Manila.

Senator FAULKNER—If I understood correctly the evidence that was given to us a little earlier this morning, I believe that in the not too far distant future that will close and there will be a new building. Is that correct?

Mr Davin—That is correct. We have identified alternative leased premises that we hope to move into within the next three months or so.

Senator FAULKNER—How long has the embassy been in that 14-floor building at the current location?

Mr Davin—We have been there since 1989.

Senator FAULKNER—What was the actual basis for locating the embassy in a high-rise?

Mr Davin—Basically, the search for alternative premises, which we recently undertook, was driven primarily by security concerns. The view of our security people was that taking floors in a high-rise building is a much safer option than the street level chancery that we currently have. That was a primary determinant, but there were also other commercial issues which made the alternative premises attractive to us.

Senator FAULKNER—Are there other overseas missions located in high-rise buildings?

Mr Davin—Yes. In many locations we are located in high-rise buildings.

Senator FAULKNER—So it is quite a common practice.

Mr Davin—Yes.

Senator FAULKNER—I see. Are any of those facing a security review?

Mr Davin—All of our embassies overseas have been subjected to physical security reviews over recent times, but there is nothing in particular about our other high-rise chanceries which is based on security concerns. Most of our other high-rise locations were decisions made primarily on a commercial basis.

Senator FAULKNER—Are you able to give us an estimate at this stage of what relocation of the embassy in Manila will cost?

Mr Davin—Yes. In broad terms, the relocation will cost about \$6.5 million. That is the cost of fitting out new office premises with the usual security precautions, communications facilities and other things that we put in all of our embassies overseas.

Senator FAULKNER—Is that being drawn from the DFAT budget?

Mr Davin—Not all of that cost is an expense to DFAT. Other agencies are located in that embassy, and they will meet their share of the relocation costs as a matter of course. I think the DFAT share of that is about \$4.5 million. That is met from our main operating budget.

Senator FAULKNER—Are there any other relocations, either in progress or planned?

Mr Davin—Yes, there are a number of relocations. At any one time we will be in the process of moving premises, either for sound commercial reasons or for other operational considerations.

Senator FAULKNER—I appreciate that. Are you able to say whether there are any other embassies which are currently being relocated, or where relocation is planned on the basis of security concerns?

Mr Davin—Yes, there are some other embassies where we are not as well located as we would like to be in this current security environment and we are looking at what other options may be available.

Senator FAULKNER—Are you able to indicate where that process is up to, and what the embassies are?

Mr Davin—I think I would have to say at this stage that it is a review process at this time, and we are not able really to say what the options or where the locations are. It is part of the security—

Senator FAULKNER—In that sense, is Manila one-off, or unique, in that it is actually happening as we speak and clear decisions have been made, the security assessments have been made and acted upon? Is there any other embassy you can point to in a similar circumstance?

Mr Davin—No. No other embassy is in the same circumstances as Manila, but there are a number of other embassies where we would like to relocate because we do not think they are as secure as we would like.

Senator FAULKNER—But what you have done so far perhaps is to identify those embassies. Is that right?

Mr Davin—That is correct.

Senator FAULKNER—At this stage you would be in the early planning stages, would you, of possible relocation only?

Mr Davin—That is correct. We are looking at what alternative options may be available in that market—whether we can find and fit out alternative premises that will be operationally effective but provide a better security environment.

Senator FAULKNER—Are you able to say which embassies they are?

Mr Davin—At this point I would probably be better to defer to my colleagues in the security area, who actually make the assessments and pass those judgments to me. I am more responsible for the physical elements of fulfilling that.

Mr Tighe—The answer to your question, Senator, is no. We would rather not mention which embassies we are looking at.

Senator FAULKNER—Are you able to indicate a number?

Mr Tighe—I would rather not indicate a number.

Senator FAULKNER—At some time this information, necessarily, will become public, won't it?

Mr Tighe—Senator, information about relocations of embassies obviously will become public. The purpose or the cause of the relocation may not.

Senator FAULKNER—It has certainly become very public in relation to Manila, hasn't it?

Mr Tighe—Yes.

Senator FAULKNER—What is the argument for a different approach in relation to that one being made public and others not?

Mr Tighe—The situation in Manila was quite distinct. There was a specific threat to the embassy which caused us to close the chancery as an immediate measure. None of the other missions which we are discussing are in those circumstances; they are all secure. We are in a situation, however, where the security environment changes over time and we are looking at the possibilities of relocating some missions.

Senator FAULKNER—Is this a formal review that is being conducted in DFAT? Would you put it at that level?

Mr Tighe—It is ongoing.

Senator FAULKNER—What is the tasking of the review—just because it is ongoing does not mean it is not formal?

Mr Tighe—We continually keep under consideration changes in the security environment, assess those against the physical security we have at our missions and make a judgment about whether the levels of protection we can provide are adequate to the security threats that we face. Obviously, if we make a judgment that the premises we are in are no longer capable of protecting the staff and the visitors to the embassy, we would do something about that.

Senator FAULKNER—Do you provide briefings to, for example, the shadow minister for foreign affairs about these sorts of issues? Is Mr Rudd, in this instance, kept abreast of these sorts of matters and concerns?

Mr Tighe—We do not have an established process for doing that. As far as I am aware, the shadow minister has never sought a briefing on these issues.

Senator FAULKNER—No, but the shadow minister might think that one of his colleagues from the Senate might come along and ask some of these questions at Senate estimates committees—he might even expect some answers to be provided. As you know, I am sensitive to security concerns and sometimes it might be more appropriate for judgments at least to be made with the benefit of a private briefing. I have not spoken to Mr Rudd about this, but I am wondering whether any thought has been given to providing that sort of briefing?

ACTING CHAIR—Is that a request that you are making?

Senator FAULKNER—No, I am just asking whether any thought had been given to that. Mr Tighe indicated that a briefing has not been requested, which I completely accept.

Mr Tighe—The answer is essentially that we are operating on a need to know basis. The security of our embassies is not something that we put into the public domain. If an official, or for that matter a member of the opposition, thought they had good cause to seek a briefing, they could request one and it would be handled in the standard way of referring it to the minister for a decision.

Senator FAULKNER—Anyway that is the answer to the question: no thought has been given to it.

Mr Tighe—No, I think there is thought given to in that our judgment is that there is no need for the briefing to take place from a security perspective and, therefore, none has been offered. If one were sought and a proposal were put to us, it would be considered.

Senator FAULKNER—We can all ponder that, I suppose. But it might have an impact on the nature of questions that are asked at hearings like this. Surely you can understand that, Mr Tighe?

Mr Tighe—I am not sure that I do understand it. If the briefing were provided, it would be given in a frank way, in exactly the same way as our answers here.

Senator FAULKNER—Of course. But I can also press a range of questions, which I have consistently over all my time in this parliament been reluctant to do, about these sorts of issues. Equally, some of these matters are in the public interest, and determining where the line is that we would not want to cross is sometimes difficult. I am sure you appreciate that.

Mr Tighe—Yes.

Senator FAULKNER—I will ponder what you have said and consider the appropriateness or otherwise of placing some questions on notice which might more fully deal with some of these issues.

ACTING CHAIR—Thank you, Senator Faulkner. Do you wish to pursue any of the matters under the heading ‘Enabling services’?

Senator FAULKNER—Yes.

ACTING CHAIR—Good. Thank you, Mr Tighe, Mr Davin and Mr Richardson.

Senator FAULKNER—As I indicated, I may place some questions on notice on output 4.1. I will have a discussion with my colleague and give that some consideration.

[12.06 p.m.]

ACTING CHAIR—We will move to output 4.2, Contract management: enabling services.

Senator FAULKNER—Could an officer outline for me the process that was undertaken for the appointment of former Senator Herron as Ambassador to Ireland and the Holy See?

Ms Williams—I do not have the details of that process with me. I would be happy to take it on notice.

Senator FAULKNER—That is disappointing. Is someone able to tell me whether the process was an open and competitive one?

Ms Williams—I am not quite sure what you mean.

Senator FAULKNER—Was the position advertised, for example?

Ms Williams—I am not sure. I would have to take that on notice as well.

Senator FAULKNER—Do we know if there were other applicants for the position?

Ms Williams—Again, I am not sure of the full details. I would have to take it on notice.

Senator FAULKNER—Is the department able to provide a list of former politicians who are now in diplomatic positions, including ambassadors, high commissioners and consul-generals?

Ms Williams—I could give you that information now: Dr Herron and John Olsen.

Senator FAULKNER—Just the two?

Ms Williams—That is right.

Senator FAULKNER—It might be useful if the department, on notice, could provide a list of former politicians, going back for 10 years, who have been given diplomatic postings. I appreciate there is a little bit of work in that; I would not be expecting you to know those details now. Can that be taken on notice?

Ms Williams—Absolutely.

Senator FAULKNER—Thank you. Unfortunately, I think we are in a situation where, given that the officer at the table does not have the level of knowledge or detail about former Senator Herron’s appointment, perhaps I will not be able to progress that issue today, which I was hoping to do at some length.

ACTING CHAIR—I can imagine you would be disappointed, Senator Faulkner.

Senator FAULKNER—I can flag with the department that at the budget round we will be spending a considerable amount of time on that issue, so you can have the relevant experts along, Dr Raby I am sure.

ACTING CHAIR—It is very helpful of you to provide that advance notice, Senator Faulkner.

Senator FAULKNER—There will be a number of other issues that we will be doing in far greater detail, I can assure you.

ACTING CHAIR—We have a week, after all.

Senator FAULKNER—This means that as a result of not having that information available we are all going to get a 19-minute early mark. Ms Williams, as a starting point at least, those questions have been taken on notice by you.

ACTING CHAIR—Thank you, Ms Williams. I close this meeting of additional estimates for the Department of Foreign Affairs and Trade and the Department of Defence. I thank all of the officers that have appeared in recent days—Dr Raby, you and your team and Mr Smith and his team.

Committee adjourned at 12.11 p.m.