



Australian Government
Department of Foreign Affairs and Trade

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

SERVICE LEVEL ARRANGEMENT



FOR MANAGEMENT SERVICES AT DFAT-MANAGED POSTS OVERSEAS

1 JULY 2017 – 30 JUNE 2020



Delivery of Enabling Services
in our Global Network
CREATING LOW ADMIN, HIGH IMPACT POSTS

TABLE OF CONTENTS

PREAMBLE	2
FRAMEWORK STATEMENT ON DFAT SERVICE ARRANGEMENTS	2
1. PARTIES TO THIS SERVICE LEVEL ARRANGEMENT	4
2. PURPOSE OF THIS ARRANGEMENT	4
3. GENERAL PRINCIPLES	5
4. TERM OF THIS ARRANGEMENT	6
5. 'SERVICES'	6
6. OVERSEAS STAFFING PROFILES AND CHANCERY SPACE REQUIREMENTS	7
7. SERVICE FEE	8
8. OTHER COST-RECOVERY	9
9. SERVICE MONITORING AND DISPUTE RESOLUTION	9
10. FINANCIAL MANAGEMENT	11
11. WORK HEALTH AND SAFETY	12
12. CHANCERY UTILITIES AND CLEANING COSTS	12
13. ROUTINE OFFICE EXPENSES (ROE)/ROUTINE PROPERTY EXPENSES (RPE)	12
14. OUTSOURCED 'SERVICES'	13
15. VARIATIONS TO THIS SLA	13
16. TERMINATION OF THIS SLA	13
17. ACCEPTANCE OF THIS SLA	14
ATTACHMENT A – SCHEDULE OF SERVICES	15
ATTACHMENT B – COSTING METHODOLOGY	46
ATTACHMENT C – ROUTINE OFFICE EXPENSES (ROE)	49
ATTACHMENT D – ROUTINE PROPERTY EXPENSES (RPE)	50
ATTACHMENT E – CONTACT DETAILS FOR DFAT SERVICE MANAGERS - OTHER ARRANGEMENTS	51
ATTACHMENT F – BASELINE SLA UNIT FEE BY LOCATION	52
CALCULATED IN SEPTEMBER 2016 BASED ON APRIL 2016 OSP DATA	52
GLOSSARY - (FOR THE PURPOSES OF THIS ARRANGEMENT)	54
GLOSSARY – WORK HEALTH & SAFETY SPECIFIC	58

PREAMBLE

FRAMEWORK STATEMENT ON DFAT SERVICE ARRANGEMENTS

1. The Public Governance, Performance and Accountability Act 2013 (PGPA) provides a clear framework for the use and management of public resources by the Commonwealth and Commonwealth entities and places a duty on all agencies to cooperate to achieve common objectives.
2. Subsequently, the Whole-of-Government Shared and Common Services Programme (SCSP) Discussion Paper (December 2015) highlighted the need for an APS Transformation Strategy that inter alia includes the seamless provision of services across the existing tiers of governments, without duplication or overlap, promoting an effective and co-ordinated approach to Australia's overseas representation and the efficient use of public resources in support of the *Prime Minister's Directive* which applies to all government agencies overseas.
3. While overseas operations are out of scope of the SCSP, over time DFAT will be transitioning to more closely align its overseas service delivery model to that of the SCSP.
4. DFAT will also provide a 'Toolkit' document to assist with the interpretation of the 'SERVICES' and service levels. The framework currently comprises one Service Level Arrangement (SLA) for the provision of Management Services and three Other Arrangements for the provision of additional 'SERVICES'. By way of a transitional approach, this document has been revised to simplify and clarify the 'SERVICES' provided in the schedule of management services and includes the ICT, Security and Property Services agreements at annexures 1, 2 and 3 respectively. At this stage only minor editorial changes have been made to the latter documents in order to provide consistent terminology. Full alignment will take a number of years and Agencies will be consulted throughout the process to ensure the end product effectively addresses the requirements of both DFAT and the Agency.
5. The SLA is the only framework document that details the provision of "SERVICES" by DFAT overseas staff to Agency's overseas staff. The SLA is managed through PMI. However, other arrangements are maintained between DFAT and agencies to provide enabling services to Agency's overseas staff. It is the intention of DFAT to align all arrangements under one overarching document to provide a holistic package for Agencies. This will bring all arrangements in line in terms of contract periods and consistent terminology, as well as removing duplicate, conflicting or confusing information.
6. **Other Arrangements.** Other Arrangements are maintained between DFAT and agencies to *provide enabling services to Agency's overseas staff. These 'SERVICES' are provided predominantly by DFAT staff in Australia and include:*
 - a. **Information & Communications Technology (ICT) MoU.** All SATIN and related network services are provided to Agencies in accordance with the provisions detailed in the ICT MoU. While the ICT MoU is managed through the ICT Client Services Section in DFAT, the MoU is included as an annexure to this document (Annex 1) as an initial step in the alignment of service arrangements.

- b. **Security Services MoU.** In accordance with the Prime Minister's Directive, DFAT is responsible for security policy overseas. The SSM defines the security services provided to Agency staff overseas and is managed through the Inter-Agency Overseas Security Forum (IAOSF). For completeness the SSM also refers to those operational security services that are provided by DFAT under the SLA for Management Services (e.g. security advice, submission of LES clearances, security briefings) for which the effort is included in the SLA fee calculations. The SSM is included as an annexure to this document (Annex 2).
 - c. **MoU for Agency use of Property Overseas.** The use by agencies (including DFAT) of Commonwealth-owned property overseas is managed by the Overseas Property Office (OPO) through MoUs similar to leases and the rent for an Agency's net lettable area is paid centrally. Where DFAT leases property overseas on behalf of the Commonwealth, property use by agencies is managed through MoUs similar to sub-leases and rent for an Agency's net lettable area is charged directly to the Agency's appropriation. The MoU is included as an annexure to this document (Annex 3).

Further to the MoU, Attachment A of the SLA under 'SERVICES' – 3. PROPERTY SERVICES outlines the property related functions which are involved in the day to day property operations and services provided by DFAT and the Agency's responsibilities and associated costs.
 - d. Other DFAT and Agency MoUs may be attached to this Service Level Arrangement as mutually agreed.
7. A breakdown of any arrangement that significantly impacts an Agency's operations at Post should be reported to the SAO. Service monitoring and dispute resolution of the various arrangements are managed, in the first instance at Post, by the SAO and Agency head in accordance with Section 9 of this SLA. If the issue cannot be resolved at Post, the SAO is to advise the relevant DFAT Service Manager in Canberra (Attachment E). Agency heads at Post may also report the issue to their parent organisation in Australia which is responsible for liaising directly with the DFAT Service Manager for resolution (see Attachment E for contact details).

1. PARTIES TO THIS SERVICE LEVEL ARRANGEMENT

1.1. The parties to this Service Level Arrangement are the Department of Foreign Affairs and Trade (DFAT) and the Agency listed in Section 17, hereinafter referred to as the Agency.

2. PURPOSE OF THIS ARRANGEMENT

2.1. The Prime Minister's Directive provides the authority under which DFAT is to provide 'SERVICES' at DFAT-managed overseas posts ensuring a coherent, consistent and collaborative whole of government approach to the conduct of Australian Government business overseas without duplication or overlap. 'SERVICES' will be provided under the 'shared and common service' principle to ensure, within available resources, the efficient administration of the Post and the avoidance of operational and financial duplication.

2.2. The purpose of this SLA is to identify the 'SERVICES' to be provided (Attachment A), the responsibilities of the Agency receiving the 'SERVICES', KPIs for DFAT and cost-recovery arrangements for the term of this SLA.

2.3. 'SERVICES' will be provided on an equitable basis reflecting government priorities and consequent needs of the operating Agency overseas.

2.4. DFAT will recover an equitable proportion of its costs from the Agency via Unit Fees.

While many of DFAT's overseas staff (A-based and LES) provide 'SERVICES', only LES effort is used in calculating Unit Fees along with any Third Party Service costs. In addition, Canberra-based effort is also included in recognition of the implementation of centralised services e.g. LES WLS and Salaries along with ongoing support, advice and SLA management activities. Canberra-based costs are appropriately shared across all posts and attributed to all staff according to classification.

The following items are included in the calculation of Unit Fees:

- a) LES costs [salary + salary on-costs + corporate overheads (ICT, HR, Property based on DoF WoG NPP figures) + share of Canberra-based costs].
- b) Third Party Service Provider costs attributed to specific tasks.

The costs are appropriately attributed to tasks and activities and apportioned appropriately to the relevant service SET (refer to Attachment B).

2.5. In addition to the ongoing Unit Fees the following one-off fees will be applied as needed:

- a) Establishment fee: An establishment fee may be charged where an Agency commences representation at Post (or increases its permanent presence by 10 or more positions). The fee will be applied where DFAT incurs additional costs in the establishment process. This fee will be invoiced out of cycle within three months of the Establishment activities.
- b) Disestablishment fees: A Disestablishment fee will be incurred to account for the resources expended by DFAT in assisting an agency disestablish (or permanently reduce its presence by 10 or more personnel) and in managing any ongoing work that results from the disestablishment (e.g. host government interaction, staffing activity related to any local labour law requirements, property activities etc.). The disestablishment fee will involve the continuation of the ongoing SLA Unit Fee for a period of three months following departure.

Where further work is required and the effort is deemed material DFAT will pass any additional costs onto the Agency. Fees will be invoiced out of cycle, within three months of the Disestablishment activities.

- c) STM/STA fees will apply in order to support Agency business continuity and or surge capacity. The fee attributed to STM/STA fees will be applicable to all additional agency personnel working at a DFAT Post for a period greater than 30 days, and who are not temporarily backfilling an established position for which a Unit Fee is already being paid.

The STM/STA fee will apply after a period of 30 days (cumulative or continuous over a six-month period) and be charged at the basic SET3A rate.

- d) Cost of implementing Agency programs – recovery of costs (if any) of assisting the Agency to deliver or implement the Agency's program (to be paid at Post where material and approved by Director PMI). See Section 5.6.
- e) Subject to specific criteria and prior approval, Remote Working Arrangements may apply to Commonwealth officers undertaking work on behalf of their Australia-based agency. Separate guidelines and fees apply to these arrangements. Further information can be obtained via email from PMI (PMIHelpdesk@dfat.gov.au)

3. GENERAL PRINCIPLES

3.1. Under the *Prime Minister's Directive*, the management of DFAT's overseas Posts is vested in DFAT as the 'managing agency'. Other than where an Agency's conditions differ from those of the managing agency, or where unavoidable for security reasons, an Agency should not employ staff at a DFAT-managed Post to provide 'SERVICES' which DFAT would otherwise provide under this SLA.

3.2. DFAT's reDESIGN Strategy was launched in December 2015. The Strategy's aim is to contemporise the way DFAT administers its overseas posts driving reform from the centre. It will be a holistic re-examination of DFAT's overseas operations involving multiple interlinked initiatives including: centralisation and regionalisation; hub and spoke models; small post models; smart local post initiatives; automation, empowered regional locally engaged experts; light systems and light processes; red tape review/reduction initiatives; capability enhancements and innovative new post models. It is not possible for DFAT to achieve the efficiency improvements alone. Agencies will be key partners in the journey and have a shared responsibility to embrace and support the operational changes required to support the reforms. Therefore, Agency cooperation is essential in order to drive flexible, contemporary solutions and ensure Australia achieves the best value from its overseas presence.

3.3. The 'SERVICES' listed in the Schedule ([Attachment A](#)) are integrated sets of services. The constituent elements of each set cannot be separated and charged individually.

3.4. DFAT Posts will provide 'SERVICES' equitably and at the standard indicated in the Schedule ([Attachment A](#)). Local circumstances beyond DFAT's control may however prevent identical service delivery across all Posts, including in the same country of accreditation.

3.5. Where resources permit, DFAT may provide additional 'SERVICES' on a cost-recovery basis in accordance with paragraph 5.6.

3.6. While Agency heads will retain authority to define the requirements of LES positions working within their own sections at a Post, DFAT's LMS will hold responsibility for assessing/classifying all LES positions against the global LES WLS classification framework. All new, or reclassified, LES positions must be forwarded by the SAO to LMS for assessment and classification. Additional information on this process is outlined in DFAT's LES Human Resource Manual (HRM) and the LES Better Practice Guide.

3.7. DFAT at Post will calculate and record entitlements for Agency staff wherever the Agency's conditions of service are the same as DFAT's. Where entitlements are not identical, Agency staff must calculate any amounts to be paid or recovered and maintain relevant records (e.g. medical reimbursements, leave fares).

3.8. Service delivery times indicated in the Schedule (Attachment A) are maxima.

4. TERM OF THIS ARRANGEMENT

4.1. This SLA covers the period of three (3) years from **01 July 2017 to 30 June 2020** inclusive, and may be extended for a further term of up to two (2) years where both parties decide in writing.

5. 'SERVICES'

5.1. The Schedule (Attachment A), which forms part of this SLA, provides detailed descriptions of the available 'SERVICES', Agency responsibilities and DFAT's KPIs.

5.2. The 'SERVICES' listed are provided to Agency staff (A-based and LES) at overseas locations. This SLA does not cover commercially contracted staff or business entities undertaking work on behalf of the Agency or to other non-government entities and staff.

5.3. All 'SERVICES' will be delivered at the Chancery unless otherwise indicated (e.g. provision of advice could be sent electronically). Where Agency staff are required to travel to/from the Post to access the 'SERVICES', the Agency will be responsible for meeting those travel costs, including airfares, accommodation and travel allowances.

5.4. The 'SERVICES' in the Schedule (Attachment A) are intended to provide the management support required for the Agency's operations and to provide DFAT and the Agency with clarity on the standard, type and extent of the services to be provided.

5.5. 'SERVICES' provided under this SLA do not extend to activities directly associated with the delivery of individual Agency programs.

5.6. Where the Agency requests and where DFAT's resources permit, the SAO may authorise DFAT staff to undertake work outside the scope of the 'SERVICES' on Agency-specific tasks. Examples of such work may include setting/removing displays, coordinating workstation assessments, escorting visitors or after-hours attendance to open/close secure facilities. If the SAO considers that this activity would require Material Resources and that costs should be recovered, they will make a case to Director PMI to recover costs. Upon formal PMI approval, a written quotation will be provided to the Agency. Following receipt of the Agency's written acceptance to meet the costs of the service, the requested work may be undertaken. No costs, other than LES overtime, will be recovered without such approval.

5.7. The Agency's responsibilities are set out in the Schedule (Attachment A). It will also be responsible for the monitoring, calculation and provision of supporting documentation wherever

conditions of service for Agency staff differ to those of DFAT. All supporting documentation is to be provided to DFAT electronically where appropriate systems are in place.

5.8. DFAT at Post and Agency representatives should not add to the 'SERVICES', responsibilities or KPIs in the Schedule (Attachment A). Where amendment is considered necessary, the matter should be referred to the Director PMI, who will consult Agencies and determine a global solution.

5.9. Reciprocity

In consideration of whole of government cooperation, there is allowance for an element of reciprocity as outlined in Attachment C – Routine Office Expenses.

6. OVERSEAS STAFFING PROFILES AND CHANCERY SPACE REQUIREMENTS

6.1. Where the Minister for Foreign Affairs decides to withdraw DFAT resident representation at a Post where the Agency is represented, DFAT will provide immediate written advice of the planned withdrawal to the Agency.

6.2. The Agency is to formally advise DFAT's AS SFB and the SAO at Post immediately of any intended changes to its Attached A-based overseas staffing profile, including increases or decreases in establishment numbers as well as any shortening or extending of a current officer's posting thereby ensuring correct information is included in the OSP database for reporting purposes. All changes to the OSP are made monthly with Post management ensuring data is up to date on the 10th day of each month. In addition, the Agency must formally advise DFAT's AS SFB and the SAO at Post of any changes to Unattached local and/or remote positions when such changes will significantly change the number of Agency staff in country and/or impact the level of support required from DFAT at Post.

6.3. The Agency will advise DFAT in writing, twelve (12) months in advance of expiry of the head lease, if its Chancery or annex space requirements will change. Otherwise, the Agency may be responsible for rent and other costs associated with its leased area for the period of the subsequent head lease. DFAT is not funded for excess/vacant space in chanceries.

6.4. The Agency will fund all costs associated with the termination of their overseas presence including settlement costs on residential leases, legal costs, recovery of security deposits etc. and the costs referred to in 6.3 above.

6.5. Overseas Staff Profile

Positions covered under this SLA will fall into one of the following categories –Attached, Unattached (Local) or Unattached (Remote) (for both A-based or LES) as defined in the glossary to this SLA.

6.6. Each position category is provided with a set of 'SERVICES' as defined in the glossary of this SLA and described in Attachment A.

6.7. Position categories should be decided between the Agency and DFAT prior to the initial posting and/or establishment. The Agency will be charged for the full suite of 'SERVICES' (SET1) for all attached

staff without exception. Unattached (Local) staff may be provided with SET1, SET2 or SET3¹ subject to Agency requirements and DFAT's ability to provide all the 'SERVICES' of a particular service set at the relevant location.

6.8. Unattached (Remote) staff will generally only have access to SET3 but may purchase a higher SET where resources are available.

6.9. Any change of service SET would require the support of the SAO, the Agency centrally and Director PMI. Agencies may use the annual 'true up' process to discuss potential variances to service SETs.

7. SERVICE FEE

7.1. By 31 May each year, DFAT will provide the Agency with a:

- a. Schedule of applicable Unit Fees by Post (updated Attachment F) for the following financial year;
- b. Reconciliation of established positions (reconciliation or 'true-up') showing changes from 1 July of the current financial year;
- c. Statement detailing the number of annual billable established positions by Post for the following financial year, including any relevant internal order numbers or coding as agreed between DFAT and the Agency.

Note: DFAT undertakes to provide agencies with their position data by the end of March each year, as part of the 'True-Up' process. Agencies will need to verify their position data by the end of April each year, to enable timely calculation of unit fees for the following financial year.

7.2. The costing methodology for the calculation of fees is documented in Attachment B. The benchmark Unit Fees per Post are listed in Attachment F. The Unit Fees in Attachment F have been calculated on the 2016-17 inflation and Budget Exchange rates and using Agency OSP personnel figures from April 2016. The applicable Unit Fees for any given financial year will be calculated in May of the preceding financial year (for example the applicable Unit Fees for 2017-18 will be calculated in May 2017) as per 7.1.

¹ SET 3 is generally available only to Unattached (Remote) staff/positions. Where DFAT and the Agency decide that a position may receive SET 3 Services, DFAT will include provision of seal and signature on any official documentation required by local authorities. The Agency will be responsible for the preparation of all documentation as well as delivery to, and follow-up with, any local authority outside of the Post city location. Examples include Arrival/Departure and Visa Third Person Notes; police, medical and probity checks; entry/exit permits; ID cards; driving licences; VAT refunds and custom clearances.

a) DFAT will also:

- provide access to the DFAT airfreight bag on a user pays basis
- provide advice as necessary on use of the Coat of Arms and flying the Australian flag
- record A-based staff blood group details in the Post's register
- recover the costs of the following routine office expenses (ROE):
 - airfreight bag costs, local regional and international telephone calls through the DFAT PABX.

7.3. By 1 July each year, the Agency will provide DFAT with confirmation of its Australia-based financial institution (Name, Address, BSB and Account number) for the payment of fees **via direct debit** in four equal quarterly instalments.

7.4. The Agency is to notify DFAT immediately should the Agency's bank details change.

7.5. Except in circumstances beyond DFAT's control, the Agency may claim a reduction in unit fees where 'SERVICES' are not provided to the standard as per the KPIs shown in the Schedule ([Attachment A](#)). The application of this clause along with the amount and period of the reduction in unit fees will be decided centrally between DFAT (PMI) and the Agency. Once KPIs are met, full fees will once again apply. The fee adjustment will be undertaken as part of the 'true-up' process.

8. OTHER COST-RECOVERY

8.1. Wherever this SLA indicates a service is provided on a 'cost-recovery' basis, DFAT at Post should raise a correctly rendered invoice which is to be paid by the Agency at Post.

8.2. Wherever DFAT utilises the Agency's assets or Agency staff provide support to DFAT, the Agency may seek cost recovery from DFAT as coordinated between the senior Agency representative at Post and the SAO or HOM/HOP.

9. SERVICE MONITORING AND DISPUTE RESOLUTION

9.1. Service Monitoring

DFAT and the Agency, in Canberra and at Post, will maintain regular dialogue on the functioning of the SLA and any issues relating to the standard of service delivery. The delivery of 'SERVICES' at Post will be managed by the SAO.

9.2. An SLA Committee at each Post will provide a regular forum for discussion on delivery of 'SERVICES'. The Post SLA Committee will be made up of a senior (A-based) DFAT representative who will be the chairperson and a representative of each Agency at the Post which is party to this SLA, including where an Agency's only representative(s) is locally-engaged. The Chair will ensure appropriate minutes and follow-up actions are recorded. The minutes will be circulated to all Agency representatives. Meetings (which may combine various aspects of Post management e.g. SLA, WHS, Property etc.) will be held at least quarterly (or more frequently in response to specific requests). Where practical, DFAT should provide at least two weeks' notice of the meeting, so that participants may submit items for inclusion in the agenda, which should be circulated one week prior to the meeting.

9.3. Where practical, the SAO will include, or at the very least liaise with, staff who work outside the Chancery on a quarterly basis regarding issues included in SLA Committee minutes. Where such staff attend meetings, the associated costs will be borne by the relevant Agency.

9.4. The SAO will submit to the Director PMI, a copy of the minutes from the final SLA Committee meeting of each financial year signed by all representatives on the Committee. The last Committee meeting of the financial year should specifically address responses to unresolved issues raised throughout the year.

9.5. The Agency may undertake its own review at a Post to evaluate service delivery against KPIs as outlined in Attachment A. Prior to any such review, the Agency should seek a briefing from the Director PMI. The SAO will be available for discussions regarding the operation of the SLA at Post.

9.6. Service Level Activity Surveys

Service Level Activity Surveys will generally be undertaken across DFAT's global network once every three years, to coincide with the negotiation of a new SLA.

PMI will use 'Establishment' and 'Disestablishment' activity to assess likely impact on Post resources and may request a review by individual posts. In addition, posts may request a review where there has been a significant change in resource requirements.

9.7. Overseas Operations Meeting

In Canberra, DFAT will convene a quarterly Overseas Operations meeting – a forum for agency representatives to engage with DFAT Canberra on a number of overseas initiatives including the management and delivery of SLA services globally; other DFAT service provision issues; updates on new post openings and co-locations and discussion of broader whole-of-government foreign, trade and development policy agenda and related initiatives.

9.8. Dispute Resolution

Where an SLA issue cannot be resolved by the parties at Post within ten (10) working days, the Agency may request that the Post SLA Committee be convened to provide a forum for dispute resolution on the issue in contention.

9.9. The Committee is to be convened within five (5) working days from receipt of a written request.

9.10. If the matter cannot be resolved through the SLA Committee or should the parties in dispute believe that the matter is not likely to be resolved through the SLA Committee or within a further 10 working days, the issue is to be referred immediately to the HOM/HOP (and PMI). PMI will engage AS RPB and/or CPO CMG as necessary.

9.11. PMI will make contact with the Agency centrally within five (5) working days from receipt of written notification of the dispute to discuss a resolution and/or arbitration.

9.12. Issues of concern regarding Other Arrangements are to be raised with the Post's SAO. The SAO will advise DFAT Canberra by cable identifying the "Service" as one of the following: ICT; Security; Overseas Property as appropriate. The cable must be distributed for action to the relevant DFAT operational branch and copied for information to PMI and the Agency concerned (both at Post and in Canberra). The DFAT branch will act on the cable in accordance with the dispute resolution mechanisms of the particular service arrangement.

10. FINANCIAL MANAGEMENT

10.1. DFAT will process payments and receipts on the Agency's behalf. Payments and receipts are processed through the DFAT Administered Payments and Receipts for Other Entities Special Account in accordance with DFAT's AAls. Timeframes for DFAT action under the SLA's KPIs start from the time that complete and authorised documentation is received from the Agency.

10.2. The Agency authorises DFAT to direct debit or credit the separate Agency nominated bank account(s). The Agency must complete a direct debit request (DDR) form if a direct debit facility has not been established or if an Agency's banking details change.

10.3. The Agency will ensure payment requests include a written assurance from the appropriate Agency delegate that all appropriate authorisations and approvals have been obtained before requesting the payment and that it will fully reimburse DFAT.

10.4. Before entering into a commitment for a property lease on behalf of a non-corporate Commonwealth entity (Agency) DFAT will seek confirmation from the Agency's representative that the payment can be made.

10.5. The Agency will ensure the financial tasks it undertakes are in accordance with its own instructions and policies. The Agency representative at Post will provide the SAO with a copy of relevant Agency instructions and policies (including delegations) at the start of each financial year and whenever amendments to those documents are made. The Agency will also provide the SAO with sufficient written authority to make necessary payments for the Agency in the absence of an Agency representative able to authorise such payments.

10.6. In addition to processing payments or receipts through the DFAT Special Account, DFAT will undertake other tasks as set out in the Schedule of Services ([Attachment A](#)). Where this occurs the Agency will be responsible for providing DFAT with all necessary supporting documentation and instructions in a timely manner.

10.7. The Agency is responsible for managing its foreign exchange exposures. DFAT will attribute to the Agency any foreign exchange gains and losses and transactional costs that DFAT incurs in processing financial transactions on behalf of the Agency.

10.8. Where the Agency cash receipts are in excess of DFAT's requirements at Post (not applicable to all Agencies), DFAT may, after consultation with the Agency's CFO, transfer excess cash to the Agency's nominated Australian bank account(s) at the Agency's expense. When it is not possible to transfer the funds (e.g. currency is not convertible), DFAT's CFO may request the Agency to hold the cash in its own bank account and transfer funds to the DFAT bank account at Post as required.

10.9. Where financial management procedures and processes at Post are amended to support the initiatives detailed in 3.2, the Agency will ensure it complies with the improved processes.

11. WORK HEALTH AND SAFETY

11.1. Under the Prime Minister's Directive, the HOM/HOP has overarching responsibility for all staff welfare issues in their countries of accreditation. The department also considers it prudent to treat HOM/HOPs as 'officers' under the WHS Act. This does not diminish the WHS responsibilities of other agencies under the WHS Act and all agencies must work collaboratively to ensure the welfare of staff.

11.2. While the employing Agency owes the primary duty of care for the welfare of their own workers while they are operating in an environment outside the direct control of DFAT, DFAT may also have duties to discharge; what is required in order to appropriately discharge those duties will depend on each Agency's capacity to influence or control a matter in a given workplace.

11.3. DFAT and Agency attached workers share responsibility for identifying hazards in DFAT-managed properties, including staff residences and for mitigating the risks to the extent possible. The Agency is responsible for meeting the cost of any reasonable risk-mitigation measures deemed necessary for the safe occupation of their tenancy.

11.4. Where there are shared duty holders (e.g., partner and portfolio agencies and contractors), section 46 of the WHS Act imposes a duty to consult the other duty holders. This duty applies equally to DFAT as well as the employing Agency.

11.5. As per section 47 of the WHS Act, DFAT must consult with workers when addressing risk factors. This includes:

- a. identifying and assessing the risks to health and safety in the workplace
- b. making decisions about ways to eliminate or minimise risks; and
- c. deciding on procedures for monitoring the health and safety of workers, the workplace, or providing information and training on risks and controls.

12. CHANCERY UTILITIES AND CLEANING COSTS

12.1. The Agency is responsible for funding its proportion of utilities, cleaning and consumable costs at all DFAT managed Posts. The Agency's proportion will be based on its Net-lettable area. DFAT will be responsible for all costs associated with maintaining the Chancery common areas (such as common waiting rooms and reception areas) and grounds.

13. ROUTINE OFFICE EXPENSES (ROE)/ROUTINE PROPERTY EXPENSES (RPE)

13.1. The Agency is responsible for the payment of ROE incurred by the Agency at Posts. Where the cost of such items is met in the first instance by DFAT, the Agency will pay these expenses at Post according to arrangements established at Post. ROE are defined in [Attachment C](#).

13.2. The Agency is responsible for meeting the costs of RPE incurred by the Agency at Posts. Where the cost of such items is met in the first instance by DFAT, the Agency will pay these expenses at Post according to arrangements established at Post. RPE are defined in [Attachment D](#).

14. OUTSOURCED 'SERVICES'

14.1. DFAT may decide to outsource a "SERVICE" or "SERVICES" where efficiencies can be achieved. The costs incurred through outsourcing a "SERVICE" or part-service that is included in Attachment A of this document will be included in the unit fee calculations as Third Party costs (see 2.4 above and Attachment B).

15. VARIATIONS TO THIS SLA

15.1. Either party may seek amendment to the terms of this SLA by advising the other party in writing. Any proposed amendments will be subject to discussion between the parties no later than one (1) month from the date of the written request. Mutual consent to amendments will be confirmed in writing. The contact in DFAT will be Director PMI. The contact in the Agency will be as per details in Section 17 of this document. Where the amendment has budget implications for any Agency, the amendment will not take effect until the start of the next financial year.

16. TERMINATION OF THIS SLA

16.1. Either party may terminate this SLA by giving six (6) months' notice in writing. The contact in DFAT will be the Director PMI. The contact in the Agency will be as per details in Section 17 of this document. Notwithstanding an early termination, the Agency's residual responsibilities under any of this SLA's sections will remain in effect until they would expire in accordance with the provisions of those sections. The Agency will remain responsible for payment of SLA fees for a period of six (6) months from the date of notification of termination or up to the Agency's final date of termination, whichever is later.

17. ACCEPTANCE OF THIS SLA

Endorsement of Service Level Arrangement	
For the	For the
Full Agency Name	Department of Foreign Affairs and Trade
Signature of Authorised Officer	Signature of Authorised Officer s 22(1)(a)(ii)
Full Name of the Authorised Officer	Sally Mansfield
Position of Authorised Officer	A/g Chief People Officer
Division or Equivalent Area	Corporate Management Group
Date:	Date: 22.11.2016
Contact Officer	
Name	s 22(1)(a)(ii)
Position	Assistant Director, PMI
Section or Equivalent Area	Post Management Issues Section
Contact Details	s 22(1)(a)(ii) @dfat.gov.au

ATTACHMENT C– ROUTINE OFFICE EXPENSES (ROE)

ROE are those expenses of a routine nature attributable to the Agency's activities. They include:

- all incidental costs including travel associated with the provision of 'SERVICES' to Agency staff
- postage and courier charges
- freight by diplomatic bag
- local customs clearance, demurrage and delivery charges
- removal and storages costs of Agency property
- settling in/out accommodation charges for Agency personnel
- recruitment costs such as advertising, external service providers, staff checks e.g. probity, security, medical
- Agency specific legal advice e.g. related to employment, property and other issues
- usage charges for general office machines
- costs of Agency equipment repairs and maintenance
- costs of Agency asset disposal
- local, regional and international telephone calls, including use of facsimile machines and other data line transmissions
- local internet charges and expenses e.g. ISP ADSL connection usage and set up charges
- per kilometre/mile cost and driver overtime where applicable for use of official vehicle fleet if applicable
- registration and service costs associated with Agency-owned official vehicles
- taxi fares
- stationery
- share of consumables in shared areas including kitchens/rest rooms e.g. Paper towels, toilet paper
- local newspapers and subscriptions
- bottled/commercial drinking water
- bank charges e.g. bank transfers and electronic payments
- indoor plant hire
- any other type of expense that an Agency has previously funded.

Reciprocity

There is allowance for reciprocal arrangements between DFAT and agencies at Post. For example, an Agency with its own vehicles may on occasion need to use one of DFAT's fleet vehicles. Similarly, during peak times such as ministerial visits, DFAT may request access to the Agency's vehicles. Where the SAO and Agency Head consider that there is an equitable arrangement in place, then a waiver of associated fees may be given, thereby removing unnecessary administrative workload.

ATTACHMENT D – ROUTINE PROPERTY EXPENSES (RPE)

RPE are those expenses attributable to the Agency's occupation of a residential property and office accommodation. They include:

- the cost of 'specialist' inspections and reports for residential property short-listed for lease by an Agency. The inspections are required to certify that a property meets minimum standards of compliance relating to building safety including structure, hazardous materials, electrical, fire and appliance installations (gas), as well as residential safety measures recommended by OPO. The OPO Building Inspection Report is a helpful guide
- the payment of rent and outgoings, maintenance contracts and service charges as per the lease arrangement for leased residential accommodation and as per the OPO MoU for owned property
- the payment of rent, outgoings, maintenance contracts and service charges including any annual inspections relating to office accommodation as stipulated in the head lease for leased accommodation and the OPO MoU for owned accommodation
- all incidental costs including travel associated with the provision of 'SERVICES' to Unattached staff (both Local and Remote)
- share of Chancery utilities/cleaning costs in accordance with Section 11
- the payment of any legal fees incurred in establishing/terminating a lease
- repairs to Chancery light fixtures, electrical installations including switchboards, cabling and power outlets where installed by the Agency, and replacement of bulbs
- repairs to Chancery plumbing in dedicated kitchens and bathrooms, where the:
 - damage has been caused by fault of Agency staff or contractors, or
 - plumbing has been installed at Agency cost

Note: base building repairs, including plumbing and mains electrical connection to buildings are the responsibility of the lessor.

Note: Where DFAT will be signing the residential lease on behalf of Agency staff, the Agency is responsible for providing prior written advice that the residential property meets any Agency-specific security and safety requirements.

ATTACHMENT E – CONTACT DETAILS FOR DFAT SERVICE MANAGERS - OTHER ARRANGEMENTS

Please note that the Post's SAO should be the first point of contact for any issues of concern across all DFAT services provided to Agencies at Post e.g. management, ICT, security, property services. Please refer also to Clauses 9.7 and 9.8 above on dispute resolution for details of action requirements.

Security services

Security of Australian government officials is covered under a separate Security Services MoU (SSM) managed through the Inter-Agency Overseas Security Forum chaired by DFAT.

Contact: Chief Security Officer
Corporate Management Group
Telephone: s 22(1)(a)(ii)

Information and Communications Technology (ICT) services

Provision of ICT services is covered under a separate MoU managed through the ICT Client Services Section in DFAT.

Contact: Assistant Secretary
ICT Services Branch
Information Management and Technology Division
Telephone: s 22(1)(a)(ii)

Overseas property arrangements

MoUs are signed between OPO and Agencies covering Agency use of Commonwealth-owned office and residential accommodation. In respect of Commonwealth-leased property overseas, Agencies sign MoUs with DFAT (the head lessee) which are administered by OPO on DFAT's behalf. The individual MoUs are similar to leases in their detail and cover all normal leasing information.

Contact: Assistant Secretary
Strategy and Property Services Branch
Overseas Property Office and Services
Telephone: s 22(1)(a)(ii)

GLOSSARY - (FOR THE PURPOSES OF THIS ARRANGEMENT)

AAIs	Accountable Authority Instructions Note: DFAT is unable to operate in accordance with another Agency's AAls and must therefore operate in accordance with each Agency's 'instructions and policies'	
A-based	Australia-based – a member of the Australian Public Service, Australian Defence Force or other Commonwealth agency who has BEEN posted or deployed overseas in an official capacity for a fixed term. It will also be taken to mean staff posted from any other foreign ministry which is a party to this SLA	
Agency	A department, agency, entity or body under authority of the PGPA, or the foreign ministry of another country, named as a party to this Arrangement in Section 1 of this SLA	
Ancillary Services (including Payroll Services)	The provision of Ancillary services (including Payroll services) to overseas A-based employees of Australian Government agencies is co-ordinated through the Post Management Issues Section. These services are negotiated on an Agency by Agency basis.	
AS RPB	Assistant Secretary, Remuneration, Conditions and Post Management Branch	
AS SFB	Assistant Secretary, Staffing Branch	
Attached	Attached officers are Agency personnel who work within the Post. This category of staff receives the full suite of management services offered to all Agencies (SET1). Note: This set of services will be applied without exception for A-based and LES based <u>within the Post at any time</u>.	
Categories	Agency officers are categorised as: Attached, Unattached (Local) or Unattached (Remote). Unattached officers may include 'in-line' and 'exchange' staff. Categories are decided between DFAT and Agency when position is established.	
Category Abbreviations	A-based ATT – Attached ULOC – Unattached (Local) UREM – Unattached (Remote)	Locally Engage Staff LATT – Attached LLOC – Unattached Local LREM – Unattached Remote
Chancery	For the purposes of this SLA a Chancery is defined as the official diplomatic offices of the Government of Australia in the host city (sometimes referred to as Post, annex or mission).	
Committee Meetings (Post)	Formal meetings between DFAT and Agencies at Post (held at least quarterly) on relevant issues such as (but not limited to) the Service Level Arrangement, Work Health Safety and Property. Where possible meetings should be combined to ensure efficient use of time and regular opportunities to discuss and resolve issues in a cooperative and timely manner.	
COS	Conditions of Service	
CPR	Commonwealth Procurement Rules	
CPO CMG	Chief People Officer, Corporate Management Group, DFAT Canberra	
DoF	Department of Finance	

DoF WoG NPP	DoF Whole of Government New Policy Proposal
Disestablishment	When an Agency ceases its representation at Post or withdraws ten (10) or more positions from a Post in a 12-month period.
EHS	DFAT's Employee Health and Safety Section, Staff Welfare and Development Branch.
Established Positions	These are active positions held by an agency at a particular post – even if they are temporarily unoccupied. DFAT and the agency will decide on the number and category of these positions on a specific date each financial year.
Establishment	When an Agency commences representation at a Post or increases its permanent established positions by ten (10) or more, in a 12-month period.
Exchange	see In-Line
Facilities Manager (FM)	DFAT's outsourced property services provider - Jones Lang LaSalle (JLL)
FMM	Financial Management Manual
General office machines	Non-networked equipment located in common areas, e.g. faxes, photocopiers, scanners, shredders - not covered by ICT MoU provisions
HOM/HOP	Head of Mission/Head of Post – senior Australian Government representative at Post
ICT MoU	Information and Communication Technology Memorandum of Understanding - covering the provision of DFAT ICT services to agencies.
In-Line	Staff embedded within, seconded to, or exchanged with a host government or international agency
KPIs	Key Performance Indicators
Lands Acquisition Act (LAA)	Under the Lands Acquisition Act 1989 (LAA), authority has been delegated to HOMs/HOPs and DFAT Finance Managers overseas to approve leased residential accommodation. Posts must report new residential leases (including HOM/HOP leases) and lease renewals made under Post delegation including those for attached staff and for unattached staff where a Commonwealth lease is signed by a Post delegate.
LES	Locally Engaged Staff – staff employed directly by the Post under local jurisdiction
LMS	Locally Engaged Staff Management Section (DFAT)
Material Resources	Factors that determine materiality should include whether or not resources can be provided within existing limitations (for example, budget or staff) without supplementation. Materiality is a matter for the professional judgement of the Senior Administrative Officer.
MoU	Memorandum of Understanding
Networked office machines	Equipment connected to SATIN and located in common areas, e.g. visitor terminals, printers, multi-function devices, scanners and video conferencing facilities – these are covered under the ICT MoU

OPMG	<i>Overseas Property Management Guide</i> – published by Overseas Property Office and available on Satin Low. Refer to the OPMG for all property terms
OPO	Overseas Property Office – responsible for managing all aspects of the Australian Government’s overseas owned property estate. Also provides advice to DFAT on chanceries and staff residential accommodation which have been leased on the commercial market
OPO MoU	MoU between OPO and agencies for Australian Government owned overseas property matters
OSP	Overseas Staff Profile – database managed by DFAT to record all staff overseas, including DFAT A-Based and LES, Agency attached/unattached staff and positions, Head of Mission domestic staff (HOMDOMs) and non-HOM SES domestic staff (SES DOMs) as well as service providers who require access to the Chancery, for example cleaners and guards.
PGPA	Public Governance, Performance and Accountability Act (2013) – provides the framework for the use and management of public resources by the Commonwealth and Commonwealth entities; and for the accountability of Commonwealth companies.
PMI	Post Management Issues Section, DFAT Canberra
Post	Host government recognised diplomatic or consular premises, managed by DFAT (sometimes referred to as Chancery, annex or mission)
Prime Minister’s Directive	Guidelines for Management of the Australian Government Presence Overseas
Program	A set of activities carried out to achieve an outcome sought by the Australian Government
reDESIGN	DFAT’s reDESIGN Strategy (Delivery of Enabling Services In our Global Network)
Remote Working Arrangements	A remote working arrangement is where an officer (usually a partner of an A-based officer) is working remotely for a Commonwealth agency in Australia (not undertaking work on behalf of the Post). This arrangement is managed and fully funded by the officer’s Australia-based Commonwealth agency (or home Division for DFAT officers).
ROE	Routine Office Expenses - as defined in Attachment C
RPE	Routine Property Expenses - as defined in Attachment D
SAO	Senior Administrative Officer
SATIN	Secure Australian Telecommunications and Information Network. This includes the Satin Low and Satin High networks.
‘SERVICES’	The suite of service sets (SET1, SET2, SET3) provided to Agency staff in the Categories of: Attached, Unattached (Local) and Unattached (Remote), for which separate charges apply.
SET1	The full suite of ‘SERVICES’ provided to Agencies and that are applied without exception for all Agency Attached staff (Attachment A) (SET1A denoting A-based services, SET1L denoting LES services)

SET2	A partial suite of 'SERVICES' which forms a sub-set of SET1 and normally provided to Agency Unattached (Local) staff (Attachment A). (SET2A denoting A-based services, SET2L denoting LES services)
SET3	A basic suite of 'SERVICES' which forms a sub-set of SET2 and is normally available to Agency Unattached (Remote) staff (Attachment A). (SET3A denoting A-based services, SET3L denoting LES services)
SET#	Other 'SERVICES' may be offered, with the specific details being identified under a new SET and charges applied according to the costing methodology. This may include an Ancillary Services bundle.
SSM	Security Services MoU – the MoU on provision of security services by DFAT (Annex 2).
STM	Short term mission with a duration of up to and including six (6) months.
STA	Short term assignment with a duration of between six (6) to twelve (12) months.
Schedule	The list of DFAT 'SERVICES' provided to Categories of Agency staff, specifying Agency responsibilities and DFAT KPIs which form the basis of this arrangement (Attachment A)
TPN	Third Person Note - also referred to as Note Verbale or Diplomatic Note
True-Up	Annual reconciliation of established number of positions in order to ascertain the impact on billing arrangements. DFAT will undertake to provide agencies with position data by the end of March each year. Agencies will need to verify position data by the end of April each year to enable the calculation of unit fees for the following financial year.
Unattached	Unattached staff are Agency overseas personnel that do not work within the Post but receive a set of services under this arrangement. These staff can be categorised as either 'Local' or 'Remote'
Unattached (Local)	Unattached staff either <i>A-based or LES working within the Post city (local), but who do not work at the Chancery at any time.</i> This category includes 'in-line' and 'exchange' staff.
Unattached (Remote)	Unattached staff either <i>A-based or LES based outside the Post city (remote) who do not work at the Chancery at any time.</i>
Unit Fees	The annual fee attributed to each service set. This fee has been calculated on a per Post basis as per the formula at Attachment B .
WHS Act	Work Health and Safety Act 2011
WLS	Work Level Standards

GLOSSARY – WORK HEALTH & SAFETY SPECIFIC

Notifiable Incident	As defined under ss35-37 of the Work Health and Safety Act, 2011
Officer	A person who makes, or participates in making decisions that affect the whole, or a substantial part, of a business or undertaking of the Commonwealth is taken to be an 'officer' of the PCBU under WHS Act.
PCBU	Person Conducting a Business or Undertaking – is the Commonwealth as represented by DFAT and other agencies.
Workers	A person who carries out work in any capacity for a person conducting a business or undertaking, including A-based, locally engaged staff, contractors and their subcontractors or labour hire employees, outworkers, apprentices and trainees, students gaining work experience and volunteers.
Workplace	A place where work is carried out for a business or undertaking and includes any place where a worker goes or is likely to be, while at work.

Explanatory Notes:

- *This SLA is part of a framework of documents which govern service provision by DFAT, through its overseas posts, to other agencies*
- *This SLA governs management services provided predominantly by DFAT overseas staff to Agencies in support of their overseas operations.*
- *Other services are provided by DFAT staff in Canberra and include ICT, Security and Property Services. The details of these are included at Annex 1, 2 and 3 respectively. Contact details are at Attachment E.*



Australian Government

Department of Foreign Affairs and Trade



MEMORANDUM OF UNDERSTANDING BETWEEN DEPARTMENT OF FOREIGN AFFAIRS AND TRADE AND THE DEPARTMENT OF AGRICULTURE AND WATER RESOURCES SECURITY SERVICES AT DFAT-MANAGED POSTS

April 2018

CONTENTS

1.	PARTICIPANTS TO THIS MEMORANDUM OF UNDERSTANDING	2
2.	GOVERNANCE	2
3.	PURPOSE	2
4.	TERM AND EFFECT OF MOU	2
5.	DFAT'S RESPONSIBILITIES	2
6.	AGENCY RESPONSIBILITIES	3
7.	PRODUCTS AND SERVICES	4
8.	EXCLUSIONS	5
9.	COST RECOVERY	6
10.	FINANCIAL ARRANGEMENTS	6
11.	TERMINATION AND SUSPENSION OF SERVICE PROVISION	7
12.	NOTIFICATION OF AMENDMENTS	7
13.	DISPUTE RESOLUTION	7
14.	PUBLICITY	8
15.	RISK MANAGEMENT	8
16.	REVIEW	8
17.	MOU SIGNATURES	9
	ANNEX A – SCHEDULE OF SECURITY SERVICES	10
	ANNEX B – FEE STRUCTURE	31
	ANNEX C – DFAT SECURITY TRAINING COURSE FEES 2017-18	33
	ANNEX D – CONTACT DETAILS	34
	GLOSSARY	35

1. PARTICIPANTS TO THIS MEMORANDUM OF UNDERSTANDING

1.1 The Participants to this Memorandum of Understanding (MoU) are the Department of Foreign Affairs and Trade (DFAT) and the Department of Agriculture and Water Resources, hereafter referred to as the Agency.

2. GOVERNANCE

2.1 The Participants acknowledge that the Prime Minister's Directive on the Guidelines for the Management of the Australian Government Presence Overseas (2010) (the Directive), the Australian Government Protective Security Policy Framework (PSPF) and the DFAT Security Framework (DSF) underpin this MoU, and that all actions taken under the MoU will be consistent with their spirit and intent. In particular, to avoid duplication and ensure the efficient use of public resources, the Participants will work closely to enhance inter-agency collaboration on security issues, applying whole-of-government principles and policy in applying and maintaining security measures at DFAT-managed posts.

2.2 The Participants acknowledge that DFAT's authority to charge for the services provided to the Agency is covered under the Australian Government Cost Recovery Guidelines as they apply to intra-government and inter-government payments. Charges will only apply where DFAT is not funded for the delivery of the service.

3. PURPOSE

3.1 The purpose of this MoU is to facilitate the efficient and effective management and delivery of security services to attached staff of the Agency at DFAT-managed posts, under the principles outlined below and, where relevant, as outlined in the Service Level Arrangement for Management Services at DFAT-managed Posts Overseas 2017-2020 (SLA).

4. TERM AND EFFECT OF MOU

4.1 This MoU will remain in effect for a period from the commencement date to 30 June 2020 inclusive.

4.2 Both DFAT and the Agency intend to act in accordance with this MoU at all times. However, this MoU does not create legally binding obligations for DFAT or the Agency.

5. DFAT'S RESPONSIBILITIES

5.1 DFAT acknowledges its responsibilities in providing security services to support the Agency's global operations, where the Agency's presence is attached to a DFAT-managed post, and the need for those systems to be reliable and robust.

5.2 The type and level of services will vary from post to post according to local conditions and prevailing threat and risk assessments applicable to each post. DFAT's objective in delivering these

services is to provide physical and operational security and protection at each post that mitigates security risk to an acceptable level. This outcome depends not only upon the delivery of timely and appropriate physical and operational security, but also on the level of security awareness of staff and their adherence to required day-to-day security practices and behaviour.

5.3 DFAT will ensure this MoU reflects the key principles of simplicity, transparency and accountability in terms of service delivery, support and pricing. DFAT will take all reasonable steps to ensure that the agreed service levels, as described in Annex A, are met.

5.4 DFAT will comply with all legal, regulatory and code of conduct requirements applicable to it and will exercise due care, skill and diligence in the delivery of services under this MoU.

5.5 DFAT reserves the right to modify, add to or terminate the listed products and services, with regard to operational requirements and, as appropriate, with regard to risk and threat assessments.

5.6 DFAT will notify the Agency of any changes referred to in paragraph 5.5 in writing and will provide appropriate notice and details of the proposed replacement services and any transitional arrangements.

6. AGENCY RESPONSIBILITIES

6.1 The Agency's responsibilities are outlined at Annex A. In addition, the Agency will ensure that use of DFAT's security infrastructure, equipment and services under this MoU is strictly in accordance with the purpose for which they are intended/provided.

6.2 The Agency will comply with all policies, plans, procedures or instructions prescribed by DFAT or its authorised representative relating to security services, as well as relevant laws and regulations.

6.3 The Agency will pay invoices issued by DFAT under this MoU by the due date. If payment is not made in a timely manner, DFAT may suspend services pending payment. The Agency may defer payment until DFAT has completed the services, to the satisfaction of the Agency. This clause applies where the Agency has requested an Agency-specific measure over and above minimum security standards where the Agency is liable for the costs, or where services are provided under the SLA where fees are payable and those fees have not been paid by the due date.

6.4 The Agency will pay all costs associated with attending meetings in respect of this MoU.

6.5 The provision of services under this MoU is dependent on the Agency and its employees complying with:

- a) this MoU and its Annexes;
- b) security requirements detailed in the DSF;
- c) all relevant DFAT policies and procedures including residential security standards as set out in DFAT's Overseas Property Management Guide;
- d) any reasonable direction or instruction provided by DFAT;
- e) all legal obligations;
- f) the requirement that all attached A-based personnel of the Agency attend mandatory DFAT security awareness courses and post-specific briefings prior to commencing at

post. All costs associated with attending these courses are to be borne by the Agency; and

- g) the requirement that all attached A-based personnel of the Agency posted to DFAT-managed posts hold, as a minimum, a current Negative Vet Level 2 (NV2) security clearance prior to commencing at post. Where a security clearance is withdrawn or downgraded during the posting, personnel will be withdrawn and replaced by the Agency, with all associated costs to be borne by the Agency. Information relating to a withdrawn or downgraded security clearance is to be provided to post immediately by email.

7. PRODUCTS AND SERVICES

7.1 The full range of products and services available to the Agency are listed in Annex A. The services will be delivered in accordance with DFAT policies and procedures as outlined in the DSF. The DSF is available to Agency staff at post through the DFAT Intranet and to Agency staff in Canberra via DFAT's Operational Security Branch email inbox [s 22\(1\)\(a\)\(ii\) @dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au).

7.2 Where DFAT initiates construction/refurbishment, the Chancery security features provided and maintained by DFAT, as mandated according to each post's threat rating and security risk assessment, will include:

- a) security-rated doors/windows;
- b) locking systems;
- c) wall hardening;
- d) physical perimeter protection;
- e) security equipment including CCTV systems, alarm systems and visitor and mail screening facilities; and
- f) access control (pedestrian and vehicle management).

7.3 As outlined in Annex A, B and C, the Agency will meet the costs associated with security arrangements within the Chancery where these arise due to:

- a) an Agency-initiated refurbishment;
- b) operational reasons such as for providing support to Agency-specific activities, for example, events, program implementation, visits or reviews;
- c) a change in staff numbers or profile of the Agency (e.g. new A-based or LES positions; an unattached position is converted to an attached position);
- d) an Agency electing to move to new premises, as determined by the attached or unattached status of the new premises; or
- e) an Agency seeking a service intended for its exclusive use or to meet a specific/separate requirement such as a separate entrance or separate guarding.

7.4 In relation to residential security the following applies:

- a) Agency residences are required to meet minimum security standards as set out in DFAT's Overseas Property Management Guide.

- b) Residential security services costs, including guarding, are to be met by the Agency except where the Agency personnel are accommodated in Commonwealth-owned accommodation administered by DFAT, including an owned compound (see Annex A for further details).
- c) It is standard DFAT practice to have landlords absorb the cost of essential security fit-out as part of any lease negotiation. Where private leasing occurs, residences must meet the minimum security standards before a lease is signed. DFAT may sign a residential lease on behalf of the Agency only after receiving written approval from the Agency accepting the premises and any security-related costs.
- d) Where DFAT considers there is a shortfall in the applicable minimum security standard for a residence, additional security improvements will be considered only where there are no suitable alternative housing arrangements. The cost of improvements is a cost to the Agency for leased residential accommodation.

7.5 DFAT will meet the cost of all physical and operational security at DFAT-managed overseas staff recreational facilities at Commonwealth-owned residential compounds and at all DFAT-managed Chanceries. Security for recreational facilities will be provided to levels consistent with residential properties.

7.6 Where the Agency requests an Agency-specific security solution and/or a service that is over and above minimum security requirements, DFAT will work in consultation with the Agency to determine its feasibility and, where approved, to provide such advice and support as resources permit, on a fee-for-service basis. All additional costs associated with the proposal will be borne by the Agency including any applicable DFAT effort. For details on cost recovery arrangements see Annex B and C.

7.7 Requests for Agency-specific solutions should be initiated through the relevant Post Security Officer or, where applicable, the Regional Security Adviser. Requests for information to assist the Agency in holding Agency-specific training courses should be initiated through [s 22\(1\)\(a\)\(ii\) @dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au).

8. EXCLUSIONS

8.1 DFAT is not responsible for maintaining or supporting any Agency-specific supplied security infrastructure or equipment, or associated service or maintenance requirements. Where DFAT does supply services outside of Annex A as requested by the Agency and agreed by post and/or Canberra, the services will be provided on a cost recovery basis, with the Agency responsible for meeting all associated costs.

8.2 While the Agency is encouraged to seek advice from DFAT Canberra or DFAT at post, as appropriate, on local security threats and risk assessments and to consult with DFAT on appropriate security standards, measures and guidelines, the Agency is responsible for:

- a) all other Australian Government officials, employees and contractors overseas not working within or attached to a post;

- b) implementing all aspects of physical, technical, information and personnel security for the programs, projects or initiatives to which those unattached officers, employees or contractors are assigned; and
- c) reporting all security incidents and breaches in a timely manner to the appropriate Post Security Officer in the first instance.

9. COST RECOVERY

- 9.1 The fee structure and cost recovery arrangements are outlined in full in Annex B and C.
- 9.2 As outlined in Annex A, B and C, security services are provided to the Agency either:
- a) free of charge where DFAT provides the services as managing agency;
 - b) under the SLA, where the Agency pays SLA fees based on its overseas establishment; or
 - c) on a cost recovery basis, in accordance with fees and/or principles outlined in this MoU.
- 9.3 DFAT reserves the right to adjust fees where there is a significant change in the costs incurred in providing a product or service or where the product or service is not covered by DFAT's role as managing agency or under the SLA.
- 9.4 In consideration of whole-of-government cooperation, local 'quid-pro-quo' arrangements may be considered in any one-off cost recovery arrangement.

10. FINANCIAL ARRANGEMENTS

- 10.1 Where fees apply under this MoU, the Agency will pay fees to DFAT for those services requested and delivered. An invoice for the services will be issued at the source. For example, where a service is provided by DFAT Canberra, the Agency will be invoiced centrally by DFAT Canberra. Where a service is provided at post, the Agency will be invoiced by DFAT at post.
- 10.2 Where fees apply, the Agency will be invoiced for actual usage. The nature of the service will determine the calculation of the fee. For example, for security training, a fee per attendee per course applies whereas for the management of an Agency-initiated security fitout the Agency will meet the cost of DFAT providing the service, including for staff time and for any outsourced components of the work.
- 10.3 Where the Agency is liable for the purchase of security related infrastructure or equipment, and DFAT has procured the items on the Agency's behalf, DFAT will invoice the Agency for the total cost upon confirmation of request. Otherwise, the Agency will pay the supplier directly for the purchase, noting procurement must be guided by DFAT to ensure compatibility with Government security policy requirements.
- 10.4 In accordance with sub-sections 9-5 and 9-17(3) of the *A New Tax System (Goods and Services Tax) Act 1999*, Goods and Services Tax (GST) does not apply to any invoices raised under this MoU between government related entities.

11. TERMINATION AND SUSPENSION OF SERVICE PROVISION

11.1 Where the Agency fails to comply with its responsibilities under this MoU, DFAT may suspend, terminate or otherwise limit access to services. This applies particularly in relation to agency-specific measures where the agency is liable for the cost, where services are provided under the SLA and/or where non-compliance significantly impedes DFAT's ability to provide access to or deliver services.

11.2 Where the Agency ceases, permanently, its attached representation overseas, this MoU is no longer applicable. In any other circumstances where either participant seeks to dissolve this MoU, this is to be pursued through consultation with the other participant and actioned upon mutual agreement.

12. NOTIFICATION OF AMENDMENTS

12.1 This MoU, not including its Annexes, may be amended at any time where both Participants agree in writing.

12.2 Any request by the Agency or DFAT to vary the terms of this MoU must be made in writing and the receiving Participant endeavours to respond to the request within a period of 30 days following receipt of the request.

12.3 In addition, DFAT will provide reasonable written notice to the Agency of:

- a) changes to the services offered under this MoU;
- b) changes to the fees charged for services under this MoU;
- c) any termination or suspension of services due to failure to act in accordance with the provisions of this MoU;
- d) material changes to DFAT Policies relevant to this MoU; and
- e) periodic updates to the Annexes to the MoU.

12.4 DFAT Canberra will convene a quarterly Global Service Delivery Working Group Meeting – a forum for Agency representatives to engage with DFAT Canberra on a number of overseas initiatives and on DFAT service provision, including this MoU.

12.5 The Agency will be notified of working level changes through the Global Service Delivery Working Group.

13. DISPUTE RESOLUTION

13.1 DFAT and the Agency will resolve disputes concerning the interpretation, implementation and operation of this MoU by consultation within a reasonable period of time and in good faith.

13.2 Where a dispute cannot be resolved between the Agency and the Post Security Officer within 21 days, the dispute can be escalated to the DFAT contact and/or the Agency contact listed at Annex D.

14. PUBLICITY

14.1 The Agency will refer to DFAT for action any request from the media or the public for information on DFAT security services. DFAT will consult with the Agency on an appropriate response should the request relate to the Agency's operations.

15. RISK MANAGEMENT

15.1 Each party agrees – in carrying out its obligations under this MoU – to apply and comply with AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines and the Commonwealth Risk Management Policy, including element seven – understanding and managing shared risk.

16. REVIEW

16.1 The Agency may undertake its own review at a post/s to evaluate the continued effectiveness of the MoU. Prior to any such review, the Agency should seek a briefing from the Director, Threat and Operational Security Section, whose contact details appear at Annex D of this MoU.

17. MOU SIGNATURES

For the Department of Foreign Affairs and
Trade

s 22(1)(a)(ii)

Luke Williams

Chief Security Officer

For the Department of Agriculture and Water
Resources

s 22(1)(a)(ii)

STEVEN LLOYD

AGENCY SECURITY ADVISOR

ANNEX D – CONTACT DETAILS

DFAT Contact	
Title	MoU Manager
Name/title	Director, Threat and Operational Security Section
Phone Number	6261 1111
Generic/point of contact email	s 22(1)(a)(ii) @dfat.gov.au

Agency	
Title	MoU Manager
Agency	Department of Agriculture and Water Resources
Name/title	
Phone Number	
Generic/point of contact email	

* DFAT will seek confirmation of the Agency contact details annually.

GLOSSARY

Abbreviation/Acronym/Term	Description
A-Based	An Australian-based member of the Australian Public Service, Australian Defence Force or other Commonwealth Agency or entity who has been posted or deployed overseas in an official capacity for a fixed term.
Agency	A department, agency, entity or body (under authority of the PGPA Act), or the foreign ministry of another country, that is a signatory to this MoU.
Attached Agency/officer	An agency/officer which is physically located within the DFAT-managed Chancery, included in the Overseas Staff Profile and is paying a fee under the Service Level Arrangement for Management Services at DFAT-Managed Posts Overseas (SLA).
Chancery	Office premises of an Australian overseas diplomatic mission which accommodates a HOM/HOP office (e.g. Embassy, High Commission, Consulate etc.). See also 'post' which is used interchangeably with Chancery in some contexts.
Commencement date	The last date on which the MoU is signed by either Participant to the MoU.
CSO	Chief Security Officer.
DFAT	Department of Foreign Affairs and Trade.
Equipment	Includes hardware, licensed software and any parts, components or fixings, including but not limited to, physical and electronic security equipment and systems, such as security alarm systems, access control systems and closed circuit television systems installed, or to be installed, at overseas posts.
GSD	Global Services Delivery Section, DFAT Canberra.
HOM/HOP	Head of Mission/Head of Post.
IAOSF	Inter-agency Overseas Security Forum.
ICT MoU	Information and Communication Technology MoU – covering the provision of DFAT ICT services to Agencies.
KPI	Key Performance Indicators.
LES	Locally-engaged staff – employed directly by Post under local jurisdiction.
MoU	Memorandum of Understanding.
MoU Manager	Primary DFAT/Agency contact for the purposes of this MoU, as specified in Annex D.
PGPA	Public Governance, Performance and Accountability Act (2013).

Abbreviation/Acronym/Term	Description
Post	Host government-recognised consular or diplomatic premises managed by DFAT (see also Chancery, which is used interchangeably with Post in some contexts).
Program	A set of activities carried out to achieve an outcome sought by the Australian Government.
Provide	To furnish, arrange, supply then maintain and repair or make available as funding allows. This does not carry with it responsibility for funding.
PSB	Security Policy Branch, DFAT.
PSO	Post Security Officer, normally also the Deputy Head of Mission (DHOM).
PSPF	Protective Security Policy Framework – the primary Australian Government protective security policy document.
RSA	Regional Security Adviser – DFAT A-based staff.
RSE	Residential security expenses.
SAO	Senior Administrative Officer – DFAT A-based staff.
Security Risk Assessment or SRA	The process of identifying security threats and hazards which could affect a posted officer at their workplace or residence, assessing these in terms of likelihood and consequence and identifying mitigation measures. SRAs are completed by DFAT.
Security Services	The suite of services set out in this MoU.
SET 1	As defined in the SLA – SLA services mandatory for A-based and LES based in the post (i.e. attached) at any time; also available to other A-based and LES within the city of the post where the agency pays the applicable SET 1 fee to access services for these staff.
SET 2	As defined in the SLA – SLA services available to A-based and LES based within the city of the Chancery but who do not work from the Chancery.
SET 3	As defined in the SLA – SLA services available to A-based and LES based in the country of the Chancery, but not in the same city.
SLA	Service Level Arrangement for Management Services at DFAT-Managed Posts Overseas .
STA	Short-term assignment – a deployment with a duration of more than six months but no more than twelve months.
STM	Short-term mission – a deployment with a term of six months or less.

Abbreviation/Acronym/Term	Description
Threat ratings	Security threat levels compiled by DFAT's Operational Security Branch. Post reporting and material from open and other sources are used to determine threat ratings based on politically motivated violence, crime, civil disorder and foreign intelligence services.
Unattached officers	Australian Government employees deployed on an overseas posting that do not work within an Australian diplomatic mission or annex. This includes officers working 'in line' or embedded in host government agencies.



Australian Government

Department of Foreign Affairs and Trade



MEMORANDUM OF UNDERSTANDING BETWEEN DEPARTMENT OF FOREIGN AFFAIRS AND TRADE AND <AGENCY>

June 2017

PREAMBLE

1. The purpose of this Memorandum of Understanding (MoU) is to facilitate the efficient and cost-effective delivery of Information Communications and Technology (ICT) services by the Department of Foreign Affairs and Trade (DFAT) in support of Australia's national interests globally. It reflects the increasingly central role of ICT in supporting and sustaining those interests and the need for the conduct of Australian Government business overseas to be pursued by agencies in a coherent, consistent and coordinated whole-of-government manner.
2. The Parties to this MoU acknowledge that the Prime Minister's Directive on the Guidelines for the Management of the Australian Government Presence Overseas (2010) (the Directive) underpins this MoU. The Directive states that the timely and efficient sharing of information among agencies with overseas representation is fundamental to ensuring an effective whole-of-government approach in support of the Government's international agenda. Consequently, while promoting efficiency and effectiveness in their own operations, agencies should work closely together to enhance inter-agency collaboration, applying whole-of-government principles in developing existing and deploying new ICT infrastructure and solutions.
3. DFAT acknowledges its responsibilities for providing ICT systems and services to support agencies' international operations and the need for those systems to be reliable, secure, sustainable and flexible having regard to evolving business needs and communications technologies. DFAT is committed to improving its service to agencies and providing ICT solutions that meet agency business needs within the limits of its resources and the constraints imposed by local laws, regulations, practice and conditions.
4. The Australian Government Cost Recovery Guidelines, managed by Department of Finance, as it applies to intra-government and inter-government payments (Cost Recovery Guidelines), provides DFAT with the authority to charge (cost recover) for the services provided under this MoU, and as the Directive states, the agency is responsible for its proportion of costs. The cost recovery basis of the fees must be stressed, and the Agency acknowledges that DFAT is not a commercial entity with extensive additional resources with which to fund its service delivery arrangements.
5. The Parties acknowledge that ICT systems evolve rapidly and the associated pressures of this rapid technological change will impact programs delivering international services. Both Parties undertake to regularly evaluate technology requirements and consult on planned technology changes to ensure the most effective implementation arrangements.
6. DFAT's policy on its ICT managed services is to maintain currency and compatibility of its software, hardware and infrastructure. The Partner Agency will keep abreast of technological developments and life-cycle practices and endeavour to keep its ICT systems compatible with the services provided by DFAT under this MoU.
7. The Parties recognise that maintaining a regular, open dialogue on the functioning of the MoU and on issues relating to standards of service delivery are critical to its effective operation. To this end, the Parties may establish such management and operational fora, committees or working groups, relevant reporting and arrangements as they consider appropriate to oversee the implementation of this MoU.
8. DFAT will convene a quarterly Overseas Operations Meeting – a forum for agency representatives to engage with DFAT Canberra on a number of overseas initiatives and DFAT service provision issues (SLA, Property, ICT, Security); updates on new post openings and colocations and discussion of broader whole-of-government foreign, trade and development policy agenda and related initiatives.

CONTENTS

PREAMBLE	I
PARTIES TO THIS MEMORANDUM OF UNDERSTANDING	3
GOVERNANCE	3
PURPOSE	3
GENERAL PRINCIPLES	3
TERM OF THIS UNDERSTANDING	3
PRODUCTS AND SERVICES	4
EXCLUSIONS	4
COST RECOVERY	4
FINANCIAL ARRANGEMENTS	4
AGENCY RESPONSIBILITIES	5
TERMINATION AND SUSPENSION OF SERVICE PROVISION	5
NOTIFICATION OF CHANGES	6
TERMINATION OR AMENDMENT OF MOU	6

DISPUTE RESOLUTION	7
PUBLICITY	7
MOU SIGNATURES	7
ANNEX A – PRODUCTS AND SERVICES OFFERINGS	8
ANNEX B – COSTING METHODOLOGY AND FEE STRUCTURE	17
ANNEX C - SECURITY REQUIREMENTS	19
ANNEX D – DFAT POLICIES AND PROCEDURES	21
ANNEX E – OUTAGE AND INCIDENT MANAGEMENT COMMUNICATION CHANNELS	23
ANNEX F – CONTACT DETAILS	25
GLOSSARY	26

PARTIES TO THIS MEMORANDUM OF UNDERSTANDING

1. The parties to this Memorandum of Understanding (MoU) are the Department of Foreign Affairs and Trade (DFAT) and the <Agency>, hereafter referred to as the Agency.

GOVERNANCE

2. The Parties acknowledge that the Prime Minister's Directive on the Guidelines for the Management of the Australian Government Presence Overseas (2010) (the Directive) underpins this MoU and that all actions taken under the MoU will be consistent with the spirit and intent of that Directive. In particular, to avoid duplication and ensure the efficient use of public resources, the Parties will work closely to enhance inter-agency collaboration on ICT issues, applying whole-of-government principles in updating existing, as well as developing and deploying new, ICT infrastructure and solutions.
3. The Parties acknowledge that DFAT's authority to charge for the services provided to the Agency is covered under the Australian Government Cost Recovery Guidelines as it applies to Intra-government and Inter-government payments.

PURPOSE

4. The purpose of this MoU is to facilitate the efficient and effective management and delivery of ICT products and services to agencies under the principles outlined below.

GENERAL PRINCIPLES

5. DFAT acknowledges its responsibilities in providing ICT systems and services to support the Agency's global operations and the need for those systems to be reliable, secure, consistent and sustainable.
6. DFAT will ensure this MoU reflects the key principles of simplicity, transparency and accountability in terms of service delivery, support and pricing.

TERM OF THIS UNDERSTANDING

7. This signed MoU covers the period of three (3) years from 1 July 2017 to 30 June 2020 inclusive, and may be extended for a further term of up to two (2) years where both parties decide in writing.

PRODUCTS AND SERVICES

8. The products and services available to the Agency are listed in Annex A – Products and Services Offerings and will be delivered in accordance with DFAT policies and procedures (outlined in Annex D and available through the DFAT Intranet - Partner Agency Toolkit).
9. DFAT will make all reasonable effort to ensure that the agreed service levels, as described in Annex A are met.
10. DFAT reserves the right to modify, add to or terminate the listed products and services, having regard for operational requirements.
11. Notification and collaboration regarding changes (in 10 above) will be in writing, providing appropriate notice and details of proposed replacement services and any transitional arrangements.
12. Where the Agency requires a specific capability that is not listed in Annex A, DFAT will work in consultation with the Agency to provide access on or through the Satin/ICN environment. Additional costs associated with the setup, support and maintenance of the requested capabilities will be borne by the Agency. Requests for agency specific capabilities should be initiated through the respective MoU Managers.

EXCLUSIONS

13. DFAT is not responsible for maintaining or supporting any hardware, software or associated service requirements related to non-DFAT ICT systems and applications owned, managed and operated by the Agency.

COST RECOVERY

14. DFAT will set fees on a cost recovery basis in line with the Cost Recovery Guidelines. For the Satin/ICN Low, Satin/ICN High, Telephony and Mobility offerings fees will be calculated on an equitable basis attributing all in-scope costs to the relevant service or service bundle, and charges will be applied on a per terminal/device basis. Costs for WAN (pro-rata of provisioned International Network Services Agreement [INSA] usage, service and DFAT management costs), Hardware (purchase, freight and installation) and Software (purchase, subscription) offerings will be passed through to the Agency.
15. DFAT reserves the right to adjust fees where there is a significant change in the costs incurred in providing a product or service.
16. Any resultant changes (from 15 above) will be applied following the annual stocktake process and reflected in the following billing period.
17. The costing methodology and payment arrangements are outlined in full in Annex B – Costing Methodology and Fee Structure.

FINANCIAL ARRANGEMENTS

18. The Agency will pay fees to DFAT for those products and services received from DFAT.

19. The billable units for the Satin/ICN Low, Satin/ICN High, Telephony, Mobility service offerings and software subscription costs will be quantified as part of the annual stocktake process, in March each year. A single statement will be sent to the Agency identifying the fees to be applied for the following financial year.
20. The Agency will provide authority for DFAT to recover the fees outlined in the statement in July of the relevant financial year.
21. Annual fees will be recovered by direct debit or invoice arrangements.
22. DFAT will invoice the Agency for verified WAN services quarterly in arrears.
23. DFAT will invoice the Agency for the purchase cost of hardware and software directly upon confirmation of request.
24. Where direct debit is agreed, the Agency shall confirm its Australia-based financial institution (Name, Address, BSB and Account number) to DFAT by 1 July each year.
25. Where direct debit is agreed, The Agency is to notify DFAT in a timely manner should the Agency's bank details change.

AGENCY RESPONSIBILITIES

26. The Agency will ensure that access to and use of DFAT ICT products and services under this MoU is strictly in accordance with the purpose for which those products and services are provided. In addition, agencies will comply with any other policies, plans, procedures or instructions prescribed by DFAT or its authorised representative relating to those products and services as well as relevant laws and regulations.
27. The provision of products and services under this MoU is conditional upon the Agency and its employees complying with:
 - this MoU and its Annexes;
 - security requirements detailed in Annex C;
 - all relevant DFAT policies and procedures listed in Annex D;
 - any reasonable direction or instruction provided by DFAT;
 - all legal obligations.
28. The Agency will advise DFAT of any amendments to its ICT footprint or bandwidth requirements (including proposed new, relocated or withdrawn capabilities) as part of the stocktake or billing processes (See 19 and 22 above). The Agency will make all reasonable efforts to ensure that the confirmed footprint is representative of its anticipated outcomes for the relevant billing period.

TERMINATION AND SUSPENSION OF SERVICE PROVISION

29. Outages to services and capability provided for within this MOU will be managed in accordance with DFAT's Incident and Problem Management Policies and Processes, available on the DFAT Intranet (Partner Agency Toolkit), and the terms of the International Network Services Agreement (INSA).
30. DFAT will endeavour to provide reasonable notice for planned outages. Advice of any outages will be provided to the Agency in accordance with the channels and timeframes listed in Annex E.
31. DFAT will consider any request by the Agency to reschedule planned outages having regard to operational requirements.

32. DFAT may suspend or interrupt services without notice in order to perform critical maintenance and/or remedial work when necessary to meet critical Government priorities and/or key business continuity arrangements.
33. Where the Agency fails to comply with its responsibilities under this MoU, DFAT may suspend, terminate or otherwise limit access to products and services.

NOTIFICATION OF CHANGES

34. Changes to DFAT's ICT services and capabilities provided for within this MOU will be undertaken in accordance with DFAT's Change Management and Request Fulfilment Policies and Processes, available on the DFAT Intranet (Partner Agency Toolkit). Advice of any changes will be provided to the Agency in accordance with the channels and timeframes listed in Annex E.
35. DFAT will provide reasonable notice to the Agency for:
 - changes to the products and services offered under this MoU;
 - changes to the fees charged for products and services under this MoU;
 - any termination or suspension of services due to failure to comply with the provisions of this MoU; and
 - material changes to DFAT Policies relevant to this MoU.
36. Advice of working level changes will be provided to the Agency through relevant working level contacts and fora as per the Pre-amble (Paragraph 7).

TERMINATION OR AMENDMENT OF MOU

37. This MoU may be terminated by either Party giving 12 Months' notice in writing, or less if reasonable in the context of the service(s) being delivered. The Agency will be responsible for ongoing costs until such time as:
 - the service can be ceased or changed; and
 - any commercial or third party contract period has expired.
38. The 12-month notification period for termination will not apply in the event of Machinery of Government (MOG) changes.
39. Upon termination of this MoU, DFAT will:
 - cease supplying services with effect from the date of termination;
 - take all reasonable steps to minimise any loss resulting from the termination and maintain services up to the effective date of termination; and
 - recover all relevant DFAT equipment.
40. This MoU, not including its Annexes, may be amended at any time where both Parties agree in writing.
41. Annexes may be updated periodically by DFAT to ensure information, policies and procedures are current and clearly documented. Agencies will be advised of the amendments.

DISPUTE RESOLUTION

42. DFAT and the Agency will resolve disputes concerning the interpretation, implementation and operation of this MoU by consultation, within a reasonable period of time and in good faith.
43. Where disputes cannot be resolved between MoU Managers, the disputes can be escalated to each Party's Signatory for determining dispute outcomes under this MoU.

PUBLICITY

44. The Agency will refer to DFAT for action, any request from the media or the public for information on DFAT ICT systems and services. DFAT will consult with the Agency on an appropriate response should the request relate to the Agency's systems or operations.

MOU SIGNATURES

For the Department of Foreign Affairs and Trade

For the <Agency>

.....

.....

Mr Tim Spackman

.....

Chief Information Officer

.....

Information Management
and Technology Division

.....

ANNEX A – PRODUCTS AND SERVICES OFFERINGS

SATIN (ICN) Low Access Bundle

Including SOE, Emails, Cables (inc. ICED), MyIT, Print Servers, Internet and Policies/Procedures Documents

SATIN (ICN) High Access Bundle

Including secure SOE, Emails, Cables (inc. SPICED), Print Servers and Policies/Procedures Documents

Telephony Access

Including Landline and PABX setup, maintenance and programming.

Mobility Services:

- Remote Access to Satin/ICN Low via RSA token based authentication
 - Email and Cable access via Good on mobile devices

Wide Area Network (WAN) Services

Primary Bandwidth

- Dedicated Bandwidth
- Shared Bandwidth
- IPVPN

Backup Bandwidth

- Internet
- ISDN
- Satellite Link

ICT Product Catalogue

- Desktop Terminals
- Printers/Scanners
- Mobile Devices
- Peripherals

ICT Software Catalogue

- Non-SOE Software Applications

ANNEX D – DFAT POLICIES AND PROCEDURES

Details of all DFAT policies and procedures are available on the DFAT intranet (<http://dfatintranet.titan.satin.lo/ict/Pages/ict-policies.aspx>).

The Partner Agency Toolkit (PAT) available on the DFAT Intranet facilitates Agency access to these documents. Copies can be provided on request.

ICT Service Management Policies and Processes Change Management Policy Change Management Process Incident Management Policy Incident Management Process Knowledge Management Policy Knowledge Management Process Problem Management Policy Problem Management Process Request Fulfilment Policy Request Fulfilment Process Service Catalogue Management Policy Service Catalogue Management Process Agency Owned Asset Management Lifecycle	ICT Acceptable Use policies Acceptable Use Policy - Wi-Fi Acceptable Use Policy - Mobile Devices Acceptable Use Policy - Password Management Acceptable Use Policy - Email Acceptable Use Policy - Laptops Acceptable Use Policy - Telephony Acceptable Use Policy - Internet ICT security related Administrative Circulars Mandatory Training - Cyber Security Protective security markings in DFAT Revised security classifications: implementation in DFAT information systems Message from the Secretary on the Importance of Security Awareness in DFAT Security: requirement to acknowledge conditions of use of IT systems New Security Instructions on the Management of Security-Related Cables and Emails on Satin High and Low ICT Equipment Shipping Policy and Procedures (Classified) DFAT Security in the Digital Age Cloud Service Policy Acceptable Use Policy: DFAT Telephone and Facsimile System Acceptable Use Policy Mobility Devices (Smartphone and Tablets) Acceptable Use Policy - Social Networking Changes to Remote Security Access (RSA) Tokens
ICT Security policies ICT Security Manual (ISM) Declassifying and sanitising printers/toner cartridges - Black Declassifying and sanitising printers/toner cartridges - Cyan Declassifying and sanitising printers/toner cartridges - Magenta Declassifying and sanitising printers/toner cartridges - Yellow SATIN Access Control Plan SATIN Privileged Access Plan	

[Managing security and access to information in the Electronic Document and Records Management System \(EDRMS\)](#)

[Management of Email](#)

[Use of internet social networking tools by departmental staff](#)

[Annual Declaration of Conflicts of Interest](#)

[How to use the Document Inspector in Microsoft Word](#)

['Agree' to conditions of IT systems access](#)

[Secure USB Devices](#)

GLOSSARY

Abbreviation/Acronym/Term	Description
A-Based	Australia-Based officer of a Commonwealth agency who has been posted or deployed overseas in an official capacity for a fixed term
ABC	Activity Based Costing
Agency	A department, agency, entity or body (under authority of the PGPA Act) that is a signatory to this MoU
APS	Australian Public Service
BSB	Bank-State-Branch number
CAB	Change Advisory Board
Cable	DFAT official formal electronic messaging system, sent and received over the SATIN/ICN network.
Chancery	Physical premises of an Australian overseas diplomatic mission (eg. Embassy, High Commission, Consulate etc.)
Citrix	Desktop virtualisation software from Citrix Systems Inc.
CRU	Client Relations Unit
CSS	Client Services Section
DFAT	Department of Foreign Affairs and Trade
Directive	Prime Minister's Directive on the Guidelines for the Management of the Australian Government Presence Overseas (2010)
DLM	Dissemination Limiting Marker
DSA	Direct Services Agency (Under INSA)
FIS	Foreign Intelligence Service
FOUO	For Official Use Only
Good	Good for Enterprise / Good Access – commercial application that provides mobile email, contacts and calendar access on iPhone and iPad devices.
GSC	Global Support Centre
HPCA	Host Partner Client Agency (Non DSA agency under INSA)
ICED	Internet Cable Entry and Distribution
ICN	International Communications Network
ICN High	Version of ICN network for all material classified above 'protected' level
ICN Low	Version of ICN network for 'unclassified' and 'protected' material (access to 'protected' governed by relevant security clearances of individuals)

Abbreviation/Acronym/Term	Description
ICT	Information and Communication Technology
ICT Footprint	The agreed number of terminals/devices used by the agency for the purposes of annual stocktake and billing
IMD	Information Management Division
INSA	International Network Services Agreement
IPVPN	Internet Protocol-based Virtual Private Network
ISDN	Integrated Services Digital Network
ISM	(Australian Government) Information Security Manual
IT	Information Technology
LANA	Local Area Network Administrator
MFD	Multi-Function Device
MOG	Machinery of Government
MoU	Memorandum of Understanding
MoU Manager	Primary DFAT/Partner Agency contact for the purposes of this MoU, as specified in Annex F
MS Office	Microsoft Office software suite comprising: • Word • Excel • Outlook • Powerpoint
MyIT	DFAT online portal that allows the logging and tracking of requests for ICT products, services and assistance.
ODIN	Official Diplomatic Information Network (see 'Cable')
OGO	Other Government Organisation
OOM	Overseas Operations Meeting
P1	'Critical' Incident Priority (see DFAT Incident Management Process document)
P2	'High' Incident Priority (see DFAT Incident Management Process document)
P3	'Medium' Incident Priority (see DFAT Incident Management Process document)
P4	'Low' Incident Priority (see DFAT Incident Management Process document)
PA/PCA	Partner Agency/Partner Client Agency
PABX	Private Automatic Branch Exchange

Abbreviation/Acronym/Term	Description
PAT	Partner Agency Toolkit on DFAT Intranet that collates all ICT MoU reference, policy and procedure documents.
PGPA	Public Governance, Performance and Accountability Act (2013)
Product Catalogue	Catalogue of products approved for connection to the SATIN/ICN Low network.
PSA	Post System Administrator
Redundancy	Back-up or fail-safe capacity to support systems performance (eg. back-up WAN links, or satellite backups for terrestrial connections).
RITO	Regional Information Technology Officer
ROE	Routine Office Expenses
RSA	Remote Security Access
RSA token	A physical device or virtual application that generates a secure random code to remotely access into the SATIN/ICN network.
RTO	Regional Technical Officer
SAO	Senior Administrative Officer
SATIN	Secure Australian Telecommunications and Information Network
SATIN High	Version of SATIN network for all material classified above 'protected' level
SATIN Low	Version of SATIN network for 'unclassified' and 'protected' material (access to 'protected' governed by relevant security clearances of individuals)
SLA	Service Level Arrangement
SMS	Short Message Service
SOE	Standard Operating Environment
Software Catalogue	Catalogue of software products approved for installation on the SATIN/ICN Low network.
SPICED	Secure Platform Internet Cable Entry and Distribution
TA	Travel Allowance
Voicenet	DFAT's global voice over IP network
Voice Tree	An automated telephone information system that provides information to a caller through a combination of fixed-voice menu options.
VOIP	Voice Over Internet Protocol
WAN	Wide Area Network



Australian Government
Department of Foreign Affairs and Trade

Extension of the following service delivery arrangements to 30 June 2022:

- (a) Service Level Arrangement for Management Services at DFAT-managed Posts Overseas (SLA); and
- (b) Memorandum of Understanding for Security Services at DFAT-managed Posts (Security MoU); and
- (c) Memorandum of Understanding for the delivery of Information Communications and Technology services (ICT MoU).

For Partner Agency Delegate:	For DFAT Delegate:
Full agency name	Full agency name
Department of Agriculture, Water and the Environment	Department of Foreign Affairs and Trade
Full name of the Authorised Officer	Full name of the Authorised Officer
Chris Tinning	Harinder Sidhu
Position of the Authorised Officer	Position of the Authorised Officer
A/g Deputy Secretary	Deputy Secretary / Chief Operating Officer
Group / Division or Equivalent Area	Group / Division or Equivalent Area
Agricultural Trade Group	Service Delivery Group
Signature of the Authorised Officer s 22(1)(a)(ii)	Signature of the Authorised Officer s 22(1)(a)(ii)
Date 29 September 2021	Date 16 September 2021



AUSTRALIAN EMBASSY
BANGKOK

7 January 2022
Mr Nayot Thamsongsana

Dear Nayot Thamsongsana

Re: Termination of Employment

We regret to notify you that your employment under the Employment Agreement dated 13 August 2013 ("Employment Agreement") with the Australian Embassy Bangkok will be terminated with immediate effect, that is, 7 January 2022, which is the date written above. This letter serves as a notice of termination and today will be your last working day with Australian Embassy Bangkok.

The reason for your termination is due to you being arrested for a serious criminal offence on 6 January 2022. In the opinion of Australian Embassy Bangkok this behaviour is considered serious misconduct which could cause damages to Australian Embassy Bangkok and a violation of the LES Code of Conduct and Post Security Instructions of the Embassy, specifically:

LES code of conduct:

1. An employee must always behave in a way that upholds the integrity and good reputation of the Embassy, High Commission, Consulate or Business Office.
2. An employee's personal behaviour, including his or her behaviour outside office hours, must not compromise the good reputation of Australia or the post.
5. An employee must behave honestly and with integrity in connection with his or her employment with the Embassy, High Commission, Consulate or Business Office.
7. An employee must act with care and diligence in connection with his or her employment with the Embassy, High Commission, Consulate or Business Office.
8. In his or her duties an employee must:
....
o at all times act according to local law and applicable Australian law.
9. An employee, when acting in connection with his or her employment with the Embassy, High Commission, Consulate or Business Office, must treat members of the public and colleagues with respect and courtesy, and without coercion or harassment of any kind.
21. An employee must use the resources of the Embassy, High Commission, Consulate or Business Office in a proper manner.
25. The property of the Embassy, High Commission, Consulate or Business Office is to be used for official purposes only and is to be used efficiently and effectively.

38. An employee must not engage in deceitful actions aimed at gaining a benefit or avoiding a liability.

Post Security Instructions:

Your action in taking footage in the Controlled Access Area without permission, is not in accordance with the post security instructions.

These instructions outline that because of their obvious potential to compromise security, the use of cameras (including digital cameras, video cameras and camera/video functions of mobile phones or other devices which incorporate those capabilities) is strictly controlled. Mobile phones that incorporate camera functions may be brought into posts' Controlled Access Area by staff or visitors (with permission from the Post Security Officer (PSO)). However, they must not be used for photography without the permission of the PSO. This action constitutes a security breach which the PSO has noted.

We hereby agree to pay the total statutory payments owing to you up until 7 January 2022.

You are required to return to Australian Embassy Bangkok all equipment, documentation, laptop and any other property which is in your possession and belongs to Australian Embassy Bangkok.

Yours sincerely

For and on behalf of

s 22(1)(a)(ii)

Australian Embassy Bangkok

s 22(1)(a)(ii)

Counsellor (Management) and Consul General

Ministerial Submission

Cleared by: Ben Milton

Date sent to MO: PLE to complete

FOR: Senator the Hon Simon Birmingham

Action Requested By: 14 January 2022

Reason for Urgency: To allow local police to continue the criminal investigation.

WAIVER OF DIPLOMATIC IMMUNITY – CRIMINAL ALLEGATIONS AGAINST BANGKOK LES

Key Issues: On 6 January, the Royal Thai Police arrested Bangkok LES Mr Bank Thamsongsana on mission premises for allegedly installing a camera and video recording individuals in chancery toilets and shower facilities. With HOM Bangkok's consent, Thai police also conducted a search of Mr Thamsongsana's workstation and the cubicle, and seized evidence seemingly supporting the allegations. We seek your waiver of relevant diplomatic privileges and immunities in order for post to support the local criminal investigation and any prosecution, including through the provision of evidence.

Recommendation:

That you:

- a) Agree to limited waivers of immunity to enable physical evidence located on mission premises to be used by the Thai Police in their investigation, and to enable A-based employees/dependents to provide written statements.
- b) Note that, should you agree to recommendation (a), we may seek future waivers to enable officials - including affected officials - to participate in proceedings before a Thai Court.
- c) Note that, diplomatic immunities do not apply to members of the locally-engaged staff at Post, and would not apply to Mr Thamsongsana.

Decision:

Agreed / Not Agreed

Noted

Noted

Domestic/Media Considerations: It is likely that local authorities will make the allegations public, attracting local and Australian media interest.

Action:

Simon Birmingham

/ /

From: Ben Milton AS DLB , LGD, SLG - Information Disclosure Services and Corporate Law, s 22(1)(a)(ii) ; Lisa Arnold, A/g CPO s 22(1)(a)(ii)

Contact: s 22(1)(a)(ii)

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable

If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: DSD, EXD, PPD, PRB, SED, Bangkok post, COO



Background:

In August 2021, a memory card was found in a female toilet cubicle in Bangkok post's chancery. In late October, a forensic examination of the memory card by DFAT's Diplomatic Security Division in Canberra revealed that it contained **video recordings of individuals using the cubicle**, as well as a recording of locally-engaged staff member Mr Bank Thamsongsana (a dual Australian/Thai national who has been employed at post since 2013) apparently installing the recording device and returning to verify its functionality. We understand the device was installed only for short periods of time.

2. In December, following advice from Canberra and **s 42(1)** Bangkok post **referred the matter to the Royal Thai Police.** **s 42(1)**

3. On 6 January, with the consent of Ambassador McKinnon, the **Thai police entered the Embassy and arrested Mr Thamsongsana**. The police also conducted an inspection of Mr Thamsongsana's workstation which uncovered **three thumb drives containing a 'large number' of video files of individuals** in various stages of undress, with approximately 20 additional thumb drives still to be examined by the police. A camera was recovered from the workstation and Mr Thamsongsana's stand-alone **work computer and mobile phone were seized**. Forensic (fingerprint) examinations were conducted in three bathrooms, and photographs and video were taken of the chancery's 'controlled area'.

4. Because Mr Thamsongsana's alleged criminal activity occurred on mission premises, the police investigation and any prosecution can be expected to rely heavily on evidence obtained in the mission or provided by mission staff. The Vienna Convention on Diplomatic Relations (VCDR) provides the **mission's premises and property with immunity from search and seizure by local authorities** (Article 22) and the mission's archives with inviolability (Article 24). Diplomatically accredited A-based staff are immune from the jurisdiction of the receiving State and are not obliged to provide evidence (Article 31). However, these **privileges and immunities may be waived by the sending State** (Article 32). Under Australian practice, such decisions are for the Minister for Foreign Affairs (or an acting Minister of Foreign Affairs).

5. Accordingly, we recommend you provide a limited **waiver of immunity to enable physical evidence found on mission premises to be used by the Royal Thai Police** only for the purposes of their investigation of Mr Thamsongsana and any subsequent prosecution of him. The waiver would expressly not extend to any official information on the electronic devices used by Mr Thamsongsana, which would retain their inviolability, and would be subject to local authorities respecting the privacy and dignity of the individuals who have been recorded. We also recommend you provide a limited **waiver of immunity to permit A-based employees/dependents to provide written statements** to the local police, as necessary, subject to your further agreement should officials be asked to provide evidence in court.

6. The **identities of the individuals captured in the recordings is not yet known** – including whether they might be A-based staff, dependents, LES, or members of the public (post judges there is a low risk of them being children). Post will work closely with the Royal Thai Police on the identification of those who have been recorded, and the DFAT Staff and Family Support Office will support any affected staff at post.

7. A/g CPO has today approved the **termination of Mr Thamsongsana's employment,** **s 42(1)**

As Mr Thamsongsana is an Australian national and now detained, **post will offer him consular assistance**. We will provide you (Minister Payne) with regular updates on the police investigation. Talking points have been prepared and shared with your office.



Ministerial Submission

Cleared by: Ben Milton

Date sent to MO: 10 January 2022

FOR: Senator the Hon Simon Birmingham

Action Requested By: 14 January 2022

Reason for Urgency: To allow local police to continue the criminal investigation.

WAIVER OF DIPLOMATIC IMMUNITY – CRIMINAL ALLEGATIONS AGAINST BANGKOK LES

Key Issues: On 6 January, the Royal Thai Police arrested Bangkok LES Mr Bank Thamsongsana on mission premises for allegedly installing a camera and video recording individuals in chancery toilets and shower facilities. With HOM Bangkok's consent, Thai police also conducted a search of Mr Thamsongsana's workstation and the cubicle, and seized evidence seemingly supporting the allegations. We seek your waiver of relevant diplomatic privileges and immunities in order for post to support the local criminal investigation and any prosecution, including through the provision of evidence.

Recommendation:

That you:

- a) Agree to limited waivers of immunity to enable physical evidence located on mission premises to be used by the Thai Police in their investigation, and to enable A-based employees/dependents to provide written statements.
- b) Note that, should you agree to recommendation (a), we may seek future waivers to enable officials - including affected officials - to participate in proceedings before a Thai Court.
- c) Note that, diplomatic immunities do not apply to members of the locally-engaged staff at Post, and would not apply to Mr Thamsongsana.

Decision:

Agreed / Not Agreed

Noted

Noted

Domestic/Media Considerations: It is likely that local authorities will make the allegations public, attracting local and Australian media interest.

Action:

Simon Birmingham

12/1/22

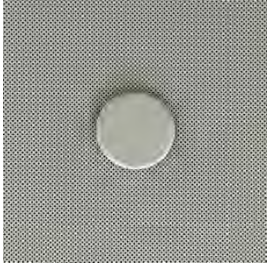
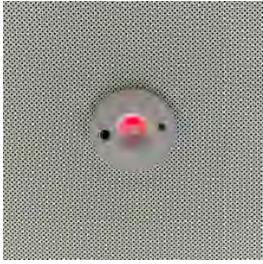
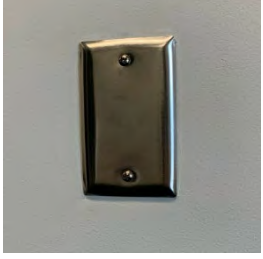
From: Ben Milton AS DLB, LGD, SLG - Information Disclosure Services and Corporate Law, s 22(1)(a)(ii)
Lisa Arnold, A/g CPO s 22(1)(a)(ii)

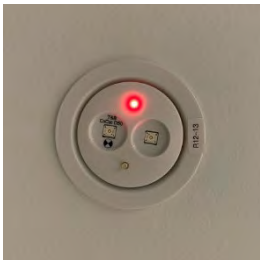
Contact s 22(1)(a)(ii)

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable

If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: DSD, EXD, PPD, PRB, SED, Bangkok post, COO

	Fire sprinkler cover/cap
	Motion sensor for lighting
	Air Vent
	Speaker (for emergency systems and PA system)
	Smoke detector
	Blank outlet cover

	Duress alarm strobe light Can be ceiling or wall mounted
	Mobile phone repeater
	Wi-Fi access point
	Exit motion sensor (access control system) Emergency exit sign/light
	Emergency light
	Fire/Emergency strobe light



AMBASSADOR

AUSTRALIAN EMBASSY
BANGKOK

18 February 2022

Mr Michael Pannett
AFP Assistance Commissioner
International Command
AFP National Headquarters
Canberra ACT

Dear Assistant Commissioner

Bangkok Embassy Alleged Criminal Acts by LES staff member.

You would be aware that a Bangkok Embassy LES staff member was arrested on 6 January and charged with offences relating to the use of hidden cameras to take video images of staff and possible others using the bathroom/shower facilities within the Embassy. I am writing to request that you commission an AFP review of the whole incident and the Thai police processes.

The Royal Thai Police are currently investigating the alleged offence and the cooperation we have received from them has been excellent. In particular, they were very prompt and cooperative in their entry to and examination of the alleged crime scene and the alleged perpetrator's desk and dwelling. They were also very supportive of the need to avoid additional trauma in interviewing our staff including by dedicating two very impressive female officers to take all of the 65 or so statements that were lodged by our staff.

By October 2021 we were reasonably confident that some possibly criminal acts had been undertaken in the Embassy. **s 42(1)**

From around that time we also sought approval from Canberra several times to be able to inform AFP at post. For whatever reason, privacy considerations were not waived, and we did not eventually engage with AFP here at post until about 3 January just before the Royal Thai Police attended the Embassy and arrested our LES.

The focus of the investigation at this time is on the Royal Thai Police forensic unit which is examining cameras, storage devices et al. This is an important process. The memory chip which was originally found in the women's bathroom and which led to this whole chain of events was blank until our security staff applied investigative software the forensic process is clearly important. I have been thinking about what our next step should be if some or all of the many storage devices the Thai police are processing turn up blank. In particular, I would like the option of having either Diplomatic Security in DFAT or AFP experts examine the storage devices without compromising their evidentiary value in the Thai legal processes.

The complexity and number of issues surrounding the forensic examination and other issues point strongly to the value of much closer AFP involvement. I have asked ^{s 47E(c), s 47E(d)} (AFP Bangkok) who is confident the Thai police would welcome closer cooperation with AFP. In particular, many – or most – of the Thai Digital Forensic experts have been trained by AFP and ^{s 47E(c), s 47E(d)} is confident that would have no concerns about AFP getting involved.

I would emphasise, though, that I would see value in a broad AFP review of all aspects of the investigation, arrest and prosecution of the alleged perpetrator. I have nothing but admiration for the professional manner in which the Royal Thai Police have conducted themselves in this investigation. Pol. Col ^{s 47F(1)}, the Superintendent of ^{s 47F(1)} Police, and his team have been very professional. And, of course, even with AFP involvement the Royal Thai Police would still be leading the investigation. But I would very much value being able to reassure our staff that AFP has been closely involved.

Yours sincerely

Best regards
^{s 22(1)(a)(ii)}

Allan McKinnon PSM
Ambassador



AUSTRALIAN EMBASSY
BANGKOK

22/12/2021

s 22(1)(a)(ii)

I Allan Mackinnon, Australia's Ambassador to Thailand, authorise s 22(1)(a)(ii) ; Counsellor and Consul-General, to provide a statement to the Royal Thai Police (Lumphini Police) about a code of conduct matter relating to an employee of the Australian Embassy Bangkok.

s 22(1)(a)(ii)

Allan Mackinnon PSM
Ambassador
Australian Embassy Bangkok
181 Wireless Rd
Lumphini, Pathumwan, Bangkok 10330
Phone +66 (0)2 344 6360

s 22(1)(a)(ii)

s 22(1)(a)(ii) | Counsellor and Consul-General
Australian Embassy, Bangkok
181 Wireless Road, Lumphini, Pathumwan, Bangkok 10330, Thailand
Phone: s 22(1)(a)(ii)

สำนักงานตำรวจแห่งชาติ

รายงานประจำวันเกี่ยวกับคดี

สถานีตำรวจนครบาลลุมพินี กองบังคับการตำรวจนครบาล5 กองบัญชาการตำรวจนครบาล

ลำดับ	วัน เดือน ปี เวลา	รายการ
14	22 ธ.ค. 2564 16:46 น.	§ 22(1)(a)(ii) อายุ 41 ปี สัญชาติ ออสเตรเลีย ตำแหน่งที่ปรึกษาประจำสถานเอกอัครราชทูตออสเตรเลีย ได้รับมอบอำนาจจากสถานเอกอัครราชทูตออสเตรเลีย ให้แจ้งความร้องทุกข์ดำเนินคดีต่อพนักงานสอบสวนสน.ลุมพินี We asset that any statement provided does not of itself constitute a waiver of diplomatic privileges and immunities or submission to local jurisdiction in the matter.we note that the Department of Foreign affairs and Trade is prepared to seek a waiver from the Foreign Minister should it be required though any waiver decision is for the Foreign Minister alone to take ดังนี้ นายสุชสันต์ แก้ววงษา อายุ 52 ปี สัญชาติไทย (3-410-500413-34-8) เบอร์ 0818047585,023446349 ได้สาบานตนแล้วว่า จะแปลถ้อยคำด้วยความสัตย์จริง ไม่ตัดเติมหรือเปลี่ยนแปลง ถ้อยคำใดใดแต่อย่างใด เมื่อวันที่ 4 สิงหาคม 2564 เวลาประมาณ 12.00 น. เจ้าหน้าที่ท้องถื่นประจำสถานเอกอัครราชทูตออสเตรเลีย ได้ตรวจสอบ เมมโมรีการ์ด ขนาดเล็ก ที่ห้องน้ำชั้น 3 ภายในสถานเอกอัครราชทูตออสเตรเลีย ต่อมาเจ้าหน้าที่ท้องถื่นฯ ได้ทำการส่งมอบเมมโมรีการ์ดดังกล่าวให้กับผู้จัดการฝ่ายรักษาความปลอดภัยเจ้าหน้าที่ฝ่ายรักษาความปลอดภัยได้ทำการส่งอีเมลและประกาศตามหาเจ้าของเมมโมรีการ์ดดังกล่าว เมื่อผ่านไป 1 เดือน ไม่มีผู้แสดงตนเป็นเจ้าของแต่อย่างใด ต่อมาวันที่ 3 กันยายน 2564 ทางสถานเอกอัครราชทูตออสเตรเลีย ได้ทำการตรวจสอบ เมมโมรีการ์ดดังกล่าวเบื้องต้น เพื่อทำการตรวจสอบหาเจ้าของ จากการตรวจสอบพบว่า มีไฟล์ภาพจำนวน 10 รูปภาพ ซึ่งเป็นภาพภายในห้องน้ำที่ว่างเปล่าทางสถานเอกอัครราชทูตออสเตรเลียจึงได้ทำการตรวจสอบห้องน้ำทุกห้องภายในสถานเอกอัครราชทูตออสเตรเลีย พบว่าจุดสังเกตอยู่บนเพดานห้องน้ำชั้น 3 ต่อมาวันที่ 4 กันยายน 2564 สถานเอกอัครราชทูตออสเตรเลียได้ทำการส่งเมมโมรีการ์ดดังกล่าว ไปยังกระทรวงการต่างประเทศออสเตรเลีย กรุงแคนเบอร์รา ประเทศออสเตรเลีย เพื่อทำการ § 22(1)(a)(ii)
ลงชื่อ ร.ต.อ.น.ย.จ		ผู้บันทึก
ลงชื่อ นาย		ผู้แจ้ง
		ลงชื่อ ร.ต.ท.
		พนักงานสอบสวน
		ลงชื่อ นาย
		สำเนา

สนพ. 12-1/2537

ถูกแก้ไขมาจากประจำวันข้อที่ 13 วันที่ 22 ธ.ค. 2564 เวลา 16:40 น.

วันที่พิมพ์ : 22 ธ.ค. 2564 เวลา 16:46 น.

ผู้พิมพ์ : ส.ต.ต.ชุตินันท์ เกลียงช่วย

file02256413752564-06699003291-03

IP : xxx.xx.xx.121

139 ม.ท.ของเครื่อง : 7



สำนักงานตำรวจแห่งชาติ
รายงานประจำวันเกี่ยวกับคดี

สถานีตำรวจนครบาลลุมพินี กองบังคับการตำรวจนครบาล5 กองบัญชาการตำรวจนครบาล

ลำดับ	วัน เดือน ปี เวลา	รายการ-(ต่อ)	
14	22 ธ.ค. 2564 16:46 น.	ตรวจพิสูจน์หลักฐานเพิ่มเติม ผลการตรวจสอบพบว่า มีภาพถ่ายและวิดีโอเพิ่มเติม ในไฟล์ดังกล่าว พบว่า มีเจ้าหน้าที่ห้องถิ่นกำลังปรับมุมมองบางอย่างที่ฝ้าเพดานภายในห้องน้ำหญิงและรีบออกไปอย่างรวดเร็ว ซึ่งทางสถานเอกอัครราชทูตออสเตรเลียประเมินจากวิดีโอดังกล่าวว่า คือเจ้าหน้าที่ห้องถิ่นคนดังกล่าวกำลังปรับและติดตั้งกล้องวงจรปิดเพื่อบันทึกภาพ และเจ้าหน้าที่คนดังกล่าวไม่รู้ตัวแต่อย่างใด ไม่มีภาพและวิดีโอของผู้อื่นแต่อย่างใดจากไฟล์ที่กู้คืนมาได้ จากวิดีโอที่กู้คืนมาได้สามารถระบุพรรณสัณฐานเจ้าหน้าที่คนดังกล่าว ซึ่งเสื้อผ้าและรองเท้าที่ใส่ ตรงกับภาพวงจรปิดของสถานทูตฯ และตรงกับวันเดียวกันที่พบเมมโมรีการ์ดทางสถานเอกอัครราชทูตออสเตรเลียเชื่อว่าเจ้าหน้าที่คนดังกล่าวได้ทำการติดตั้งกล้องวงจรปิดภายในห้องน้ำหญิงชั้น 3 และได้ทำเมมโมรีการ์ดตกขณะที่ถอดกล้องออก ทางสถานเอกอัครราชทูตออสเตรเลียได้ทำการแจ้งเจ้าหน้าที่คนดังกล่าวตั้งแต่ปีพ.ศ.2556 และไม่น่าจะเชื่อว่า เจ้าหน้าที่คนดังกล่าว มีพฤติกรรมแบบนี้ก่อนและหลังจากที่พบเมมโมรีการ์ดดังกล่าว ซึ่งเจ้าหน้าที่คนดังกล่าวทำงานในตำแหน่ง ผู้จัดการฝ่ายเทคโนโลยีซึ่งโดยหน้าที่ดังกล่าวต้องทำงานบริเวณภายในสถานทูตอยู่บ่อยๆ ซึ่งทางสถานทูตได้มีความห่วงใยสวัสดิภาพของพนักงานฯเกรงว่าจะมีภาพถ่ายหรือวิดีโอในลักษณะอนาจารของพนักงานคนอื่น อยู่ในความครอบครองของเจ้าหน้าที่คนดังกล่าวทั้งในสถานที่ทำงานและสถานที่ส่วนตัว สถานที่เกิดเหตุ บริเวณภายในห้องน้ำหญิงชั้น 3 สถานเอกอัครราชทูตออสเตรเลีย 181 ถนนวิบูลย์ แขวงลุมพินี เขตปทุมวัน กรุงเทพมหานคร เมื่อประมาณวันที่ 4 สิงหาคม 2564 เวลาประมาณ 12.00 น. ร.ต.ท.ภูธนท สงเกื้อ รอง สว.(สอบสวน) สน.ลุมพินี ได้รับคำร้องทุกข์ไว้แล้วจะได้สืบสวนสอบสวนต่อไป จึงให้ลงลายมือชื่อไว้	
s 22(1)(a)(ii)			
ลงชื่อ ร.ต.อ.	ผู้บันทึก	ลงชื่อ นาย	ล่ามแปล
ลงชื่อ นาย	ผู้แจ้ง	ลงชื่อ ร.ต.ท.	พนักงานสอบสวน

s 22(1)(a)(ii)

s 22(1)(a)(ii)

สนผ. 12-1/2537

ถูกแก้ไขมาจากประจำวันข้อที่ 13 วันที่ 22 ธ.ค. 2564 เวลา 16:40 น.

วันที่พิมพ์ : 22 ธ.ค. 2564 เวลา 16:46 น.

ผู้พิมพ์ : ส.ต.ต.ชุตินันท์ เกียรติช่วย



120750w15052a5ec861d40d9f9d91c6

IP : xxx.xx.xx.121

หมายเลขเครื่อง : 7

140 of 290

We assert that any statement provided does not of itself constitute a waiver of diplomatic privileges and immunities or submission to local jurisdiction in the matter. We note that the Department of Foreign Affairs and Trade is prepared to seek a waiver from the Foreign Minister should it be required, though any waiver decision is for the Foreign Minister alone to take.

- On 4 August 2021, a local employee found a small memory card in a toilet cubicle in the female bathroom on level three of the Embassy.
- The memory card was handed to the Embassy's security manager. All staff were emailed and notified that that a memory card was found and encouraged the owner to collect it.
- After a month, the owner of the memory card had not come forward to collect it.
- On 3 September, the Embassy ran a rudimentary scan of the memory card to see if we could identify the owner from the files stored.
- The ten files recovered were photos of an empty toilet cubicle. The toilets on all floors were inspected to determine which specific cubicle appeared in the photos. We found markings on ceiling area directly above the toilet in both cubicles in the female bathroom on level 3. We assess this is where the device that took the photos and footage was affixed.
- On 4 September, the memory card was sent to our head office in Canberra for further forensic analysis. The forensic analysis uncovered further photos and video files.
- One video shows close-up footage of a local employee in the women's cubicle adjusting something on the ceiling and then quickly exiting. We assess from the footage that the employee was planting/adjusting the camera device in preparation to make a recording. We assume he was unaware that he was taking footage of himself.
- No other person appears in any of the photos and video files we recovered.
- The employee is identifiable in the video as we have a close-up view of his face. While he was wearing a face mask we are very confident of his identification from the footage we recovered. Further, he was wearing a very distinctive shirt and shoes which we have matched to CCTV footage on the day the memory card was found. Based on the evidence, we assess that he planted the camera on the morning of 4 August 2021 and the memory stick accidentally fell out of the device when it was removed.
- We are not sure how long this behaviour has been occurring. The staff member has been employed at the Embassy since 2013. We also cannot be sure whether the behaviour has continued since we found the memory card. Given the nature of the employee's role (IT support officer) at the Embassy, he is often required to move around the Embassy frequently. While we have been routinely checking the bathrooms, we cannot be sure whether he has continued to plant cameras in other locations in the Embassy.
- We have strong concerns for the welfare of our staff particularly if there are photos/videos of them in compromising positions. We are worried that the employee may still have other images of our staff in his possession – either stored at the office or his personal residence.
- **s 42(1)**
- We are ready and prepared to extend full support for you to investigate if you wish to pursue the matter.
- Owing to the nature of our diplomatic status in Thailand, prior to an investigation taking place, including allowing you to enter Embassy grounds to collect evidence and for us to provide the evidence we have collected, we are required to obtain approval from our Foreign Minister.
- Should you wish to pursue this matter, we would appreciate formal advice from you about what resources you will need from us to investigate (i.e. access to Embassy, access to files recovered, access to memory card, access

- We want to construct the investigation in a way that provides you with an opportunity to recover any picture or video files from the employee before he has an opportunity to destroy evidence. We owe this to our staff. The employee is unaware of the investigation and our knowledge of the activities he has been conducting.

(BRIEF TRANSLATION>

This document is to record that on 6 January 2022, around 19:15 hr, policer officers <names of 5 police officers> searched inside the Australian Embassy building <address> under consent from the Offeder, Mr Nayot or Bank Thamsongsana <age, citizen id, address> with officers from the Australian Embassy as witnesses. Mr Nayot gave consent to this search inside the specified location which was his working place.

From the search, the below items were seized as evidences:

- (1) 3 memory cards in the Offender's backpack
- (2) 1 white, circle shape camera in the Offender's backpack
- (3) 2 audio/video recorders in the Offender's backpack
- (4) 1 Samsung mobile phone in the Offender's backpack
- (5) 1 camera in a black box in the top drawer of the Offender's working table
- (6) 1 black Lava mobile phone in the top drawer of the Offender's working table
- (7) 11 flash drives in the top drawer of the Offender's working table
- (8) 2 video recorders in the top drawer of the Offender's working table
- (9) 1 signal transmitter in the bottom drawer of the Offender's working table
- (10) WiFi repeater in the bottom drawer of the Offender's working table
- (11) 1 hard disk in the bottom drawer of the Offender's working table
- (12) 10 CDs in the bottom drawer of the Offender's working table

(13) 1 yellow-black hard disk in the Offender's backpack

14) 1 Samsung mobile phone on the Offender's working table

(15) 1 Dell CPU on the Offender's working table

This record was read to the Offender for his acknowledgement and signage.

<signed> Offender (Mr Nayot or Bank Thamsongsana)

CRITICAL INCIDENT SUPPORT NOTE/SUMMARY

RESPONDER'S NAME: s 47F(1)	CASE REFERENCE NO.: 14012022_AE
RESPONDER'S CONTACT DETAILS:	EMAIL: s 47F(1) Cell: s 47F(1)
DATE AND TIME OF SESSION(S):	Monday 10/01/2022 at 1pm – 4:30pm Tuesday 11/01/2022 at 9am – 4:30pm Wednesday 12/01/2022 at 9am – 4:30pm
½ DAY ☐ FULL DAY ☐	CLIENT ORGANISATION: Australian Embassy
CLIENT LOCATION: Bangkok, Thailand	CONTACT PERSON: s 22(1)(a)(ii)
CONTACT NUMBER: s 22(1)(a)(ii)	
BRIEF OVERVIEW/DESCRIPTION OF INCIDENT:	
A critical incident in the workplace.	
NATURE OF ONSITE INTERVENTION (please tick)	
Group session ☒	Individual session ☒ Management support ☒ Counsellor available for consultation ☒
SUMMARY OF INTERVENTIONS MADE:	
Assessed employee responses using Traumatic Stress Symptom Checklist. Provided psychological support and psycho-education how to response to traumatic incident—possible reactions (thoughts/emotions/physical/behaviours responses) and symptoms, timeline for recovery and when and how to seek additional helps if symptoms persist longer and starting to affect daily functioning. Discussed options to keep emotions in check and to maintain emotional balance.	
NUMBER OF STAFFS ATTENDING:	
10/01/2022 – 2 staffs (2 Thai) & 1 group of 4 Thai staffs 11/01/2022 - 6 staffs (5 Thai and 1 English speaking staffs) & 1 group of 3 Thai staffs 12/01/2022 – 6 Thai staffs and 1 group of 3 Thai staffs	

Remarks: There was one English speaking staff who saw ^{s 22(1)(a)(ii)} on 10/01/2022. The person is not included in this report as ^{s 22(1)(a)(ii)} has sent a separate report earlier.

PLEASE NOTE ANY FEEDBACK GIVEN TO REFERRING MANAGER:

Some physical and emotional responses to the incident have been observed such as difficulty sleeping, fatigue, edginess and agitation, shock, denial or disbelief, confusion, anxiety, insecurity, fear, feeling sad, feeling unsafe, and anger. Although, some of the employees have expressed their emotions very intensely, no signs of clinical symptoms observed from employees during the sessions and from the Symptom Checklist.

ANY FOLLOW UP NEEDS IDENTIFIED

- It is possible to see employees' level of emotions changing during the process of investigation and while more update information are given to employees. Supervisors need to be more aware, to understand, to encourage employees to share and talk about their feelings without judgments and offer helps if needed.
- A supervisor can help remind colleagues and staffs to be more sensitive to one another and respect them how they feel toward the situation and if they feel like or don't feel like talking about the incident.
- Onsite counselling supports for one and a half days for the next six weeks is arranged as requested by the Embassy starting next week.

CRITICAL INCIDENT SUPPORT NOTE/SUMMARY

RESPONDER'S NAME: s 47F(1) Ph.D., Counselling Psychologist & s 47F(1) DPsychotherapy, Psychotherapist	CASE REFERENCE NO.: 19032022_AE		
RESPONDER'S CONTACT DETAILS:	EMAIL: s 47F(1) Cell: s 47F(1) Cell: s 47F(1)		
DATE AND TIME OF SESSION(S):	Monday 28/02, 7/03 & 14/03 at 9:00-12:00 Tuesday 1/02, 8/02 & 15/03 at 9:00-16:00		
½ DAY ☐ FULL DAY ☐	CLIENT ORGANISATION: Australian Embassy		
CLIENT LOCATION: Bangkok, Thailand	CONTACT PERSON: s 22(1)(a)(ii)		
CONTACT NUMBER: s 22(1)(a)(ii)			
BRIEF OVERVIEW/DESCRIPTION OF INCIDENT:			
A critical incident in the workplace.			
NATURE OF ONSITE INTERVENTION (please tick)			
Group session ☒	Individual session ☒	Management support ☒	Counsellor available for consultation ☒
SUMMARY OF INTERVENTIONS MADE:			
Risk assessment of employees after the traumatic event. Provided psychological support and psychoeducation of psychological process after traumatic events. Discussed social supports and coping strategies.			
NUMBER OF STAFFS ATTENDING:			
5 Thai Staffs on 28/2/2022 & 01/03/2022 6 Thai Staffs on 07/03/2022 & 08/03/2022 6 Thai Staffs on 14/03/2022 & 15/03/2022			
PLEASE NOTE ANY FEEDBACK GIVEN TO REFERRING MANAGER:			
- Majority of the sessions (76%) are follow-up sessions from revisited staffs. 24% are new sessions from staffs using the service for the 1st time. - Primary presenting issues are personal related issues which is accounted for 65% and the rest are work related issues. - Primary issues found from personal related issues are interpersonal conflict, anxiety, stress and coping, and personal development. - Primary issues found from work related issues are mostly related to the incident which has led to interpersonal and organizational issues such as conflict with colleague and staff morale. - Majority of staffs volunteered to attend the sessions, and few were encouraged to have a session as part of the team manager's request.			

CRITICAL INCIDENT SUPPORT NOTE/SUMMARY

RESPONDER'S NAME: s 47F(1) DPsychotherapy, Psychotherapist	CASE REFERENCE NO.:		
RESPONDER'S CONTACT DETAILS:	EMAIL: s 47F(1) Cell: s 47F(1)		
DATE AND TIME OF SESSION(S):	Tuesday 18/01/2022 at 13:00 – 16:00		
½ DAY ☐ FULL DAY ☐	CLIENT ORGANISATION: Australian Embassy		
CLIENT LOCATION: Bangkok, Thailand	CONTACT PERSON: s 22(1)(a)(ii)		
CONTACT NUMBER: s 47F(1)			
BRIEF OVERVIEW/DESCRIPTION OF INCIDENT:			
A critical incident in the workplace.			
NATURE OF ONSITE INTERVENTION (please tick)			
Group session ☒	Individual session ☒	Management support ☒	Counsellor available for consultation ☒
SUMMARY OF INTERVENTIONS MADE:			
Risk assessment of employees after the traumatic event. Provided psychological support and psychoeducation of psychological process after traumatic events. Discussed social supports and coping strategies.			
NUMBER OF STAFFS ATTENDING:			
2 Thai staffs and 2 English speaking staffs			
PLEASE NOTE ANY FEEDBACK GIVEN TO REFERRING MANAGER:			
A perception towards some colleagues might have changed after the event. Occasional observation on relations at workplace can be useful. A reminder that the workplace is a safe place is important. Some staff's distress might not be only from this particular event, but it has added to other overwhelming issues. Thus, a psychological support or a reminder of the service is helpful.			
ANY FOLLOW UP NEEDS IDENTIFIED			
Although reactions of the employees after the traumatic events are normal, continuing or follow-up sessions can be requested if the employees need them to re-evaluate their coping strategies.			

CRITICAL INCIDENT SUPPORT NOTE/SUMMARY

RESPONDER'S NAME: s 47F(1) Ph.D., Counselling Psychologist	CASE REFERENCE NO.: 18012022_AE		
RESPONDER'S CONTACT DETAILS:	EMAIL: s 47F(1) Cell: s 47F(1)		
DATE AND TIME OF SESSION(S):	Tuesday 18/01/2022 at 9:00-12:00		
½ DAY ☐ FULL DAY ☐	CLIENT ORGANISATION: Australian Embassy		
CLIENT LOCATION: Bangkok, Thailand	CONTACT PERSON: s 22(1)(a)(ii)		
CONTACT NUMBER: s 47F(1)			
BRIEF OVERVIEW/DESCRIPTION OF INCIDENT:			
A critical incident in the workplace.			
NATURE OF ONSITE INTERVENTION (please tick)			
Group session ☒	Individual session ☒	Management support ☒	Counsellor available for consultation ☒
SUMMARY OF INTERVENTIONS MADE:			
Assessed employee responses using Traumatic Stress Symptom Checklist. Provided psychological support and psycho-education how to response to traumatic incident—possible reactions (thoughts/emotions/physical/behaviours responses) and symptoms, timeline for recovery and when and how to seek additional helps if symptoms persist longer and starting to affect daily functioning. Discussed options to keep emotions in check and to maintain emotional balance.			
NUMBER OF STAFFS ATTENDING:			
2 Staffs (1Thai & 1 English Speaking)			
PLEASE NOTE ANY FEEDBACK GIVEN TO REFERRING MANAGER:			
Some physical and emotional responses to the incident have been observed but no signs of clinical symptoms seen in the session.			

- One of the main issues that has been raised from Thai employees is the feeling of being disrespected from comments from some of their colleagues regarding how they would choose to respond to the incident. Comments that staffs feel disrespectful and unfair are for example "we should forgive him" or "he was good to us in the past, so he deserves some sympathy". This has caused the feeling of worries (how they will be judged and be treated from the actions they will decide to take), disappointment, and anger toward the colleagues.

ANY FOLLOW UP NEEDS IDENTIFIED

Supervisors is to continue to ensure a respectful and considerate to others workplace and allow employees to voice their concerns openly.

CRITICAL INCIDENT SUPPORT NOTE/SUMMARY

RESPONDER'S NAME: s 47F(1) Ph.D., Counselling Psychologist & s 47F(1) DPsychotherapy, Psychotherapist		CASE REFERENCE NO.: 31012022_AE	
RESPONDER'S CONTACT DETAILS:		EMAIL: s 47F(1) Cell: s 47F(1) s 47F(1) Cell: s 47F(1)	
DATE AND TIME OF SESSION(S):		Monday 31/01/2022 at 9:00-12:00 Tuesday 01/02/2022 at 9:00 – 16:00	
½ DAY ☐ FULL DAY ☐		CLIENT ORGANISATION: Australian Embassy	
CLIENT LOCATION: Bangkok, Thailand		CONTACT PERSON: s 22(1)(a)(ii)	
CONTACT NUMBER: s 22(1)(a)			
BRIEF OVERVIEW/DESCRIPTION OF INCIDENT:			
A critical incident in the workplace.			
NATURE OF ONSITE INTERVENTION (please tick)			
Group session ☒	Individual session ☒	Management support ☒	Counsellor available for consultation ☒
SUMMARY OF INTERVENTIONS MADE:			
Risk assessment of employees after the traumatic event. Provided psychological support and psychoeducation of psychological process after traumatic events. Discussed social supports and coping strategies.			
NUMBER OF STAFFS ATTENDING:			
6 Thai Staffs			
PLEASE NOTE ANY FEEDBACK GIVEN TO REFERRING MANAGER:			
Stress reactions to the incident seems lessen this week for some employees. However, the stress of the uncertainty of the investigation results still affect some employees as well.			
ANY FOLLOW UP NEEDS IDENTIFIED			

From the observation, some employees seem to have recovered from stress, however, continuing or follow-up sessions can be requested if the employees need them to re-evaluate their coping strategies.

CRITICAL INCIDENT SUPPORT NOTE/SUMMARY

RESPONDER'S NAME: s 47F(1) Ph.D., Counselling Psychologist & s 47F(1) DPsychotherapy, Psychotherapist		CASE REFERENCE NO.: 24012022_AE	
RESPONDER'S CONTACT DETAILS:		EMAIL: s 47F(1) Cell: s 47F(1) Cell: s 47F(1)	
DATE AND TIME OF SESSION(S):		Monday 24/01/2022 at 9:00-12:00 Tuesday 25/01/2022 at 9:00 – 16:00	
½ DAY ☐ FULL DAY ☐		CLIENT ORGANISATION: Australian Embassy	
CLIENT LOCATION: Bangkok, Thailand		CONTACT PERSON: s 22(1)(a)(ii)	
CONTACT NUMBER: s 22(1)(a)			
BRIEF OVERVIEW/DESCRIPTION OF INCIDENT:			
A critical incident in the workplace.			
NATURE OF ONSITE INTERVENTION (please tick)			
Group session ☒	Individual session ☒	Management support ☒	Counsellor available for consultation ☒
SUMMARY OF INTERVENTIONS MADE:			
Risk assessment of employees after the traumatic event. Provided psychological support and psychoeducation of psychological process after traumatic events. Discussed social supports and coping strategies.			
NUMBER OF STAFFS ATTENDING:			
8 Staffs (7Thai & 1 English Speaking)			
PLEASE NOTE ANY FEEDBACK GIVEN TO REFERRING MANAGER:			
- A delay in processing the incident found from one employee and this has caused a lot of confusion and fear. However, the reactions seems normal and there is no signs of clinical risks found. - A perception towards some colleagues might have changed after the event. Occasional observation on relations at workplace can be useful. A reminder that the workplace is a safe place is important. Some staff's distress might not be from this event, but from personal issues which also			

affected their emotions and work performance. Thus, an on-going service of counselling would be beneficial for them.

ANY FOLLOW UP NEEDS IDENTIFIED

Although reactions of the employees after the traumatic events are normal, continuing or follow-up sessions can be requested if the employees need them to re-evaluate their coping strategies.

4 August - memory card found in female toilets on level three by s 22(1)(a)(ii) at 3pm and handed to Bangkok Security Manager s 22(1)(a)(ii) at 3pm. The card was found stuck on top of the toilette roll dispenser (attached to the sticky pad) next to the Dettol spray. Email sent to all staff encouraging owner of memory card to collect.

3 September – memory card reviewed by Bangkok Security Manager and no files found (blank).

4/5 September – Bangkok Security Manager and First Secretary Pol/Eco used software to attempt to recover files. Eight photos of empty toilet cubicle (no individuals) recovered.

9 September – discussion held by SAO with RSO followed-up with email about the images found on the memory card. RSO asked to seek advice from DSD about next steps.

10 September – SAO briefed DHOM/PSO.

16 September – RSO met with DSD/IMD representatives to discuss the images found.

16 September – SAO briefed HOM and DHOM/PSO.

22 September – Security Incident Report submitted to DSD. DSD recommend engaging EES about the matter and sending memory card directly to them for further analysis.

24 September – SAO had phone conversation with Director EES explaining events that have taken place. EES agreed with DSD recommended action to send the memory card to DSD for further analysis.

25 September – memory card sent to DSD for analysis via dip bag.

29 October – memory card received back at post. RSO confirmed that in addition to the eight photos already found another 8 video files were recovered. Footage viewed by SAO, DHOM/PSO and RSO. In one video, the perpetrator appears at the start of the video for – 11 seconds. The total length of the video is 11 minutes and 16 seconds. The date stamp on the video is 2016/05/01 at 1.38:20 (1.38 AM or PM). Date stamp is inaccurate as Embassy was not built in 2016. No other individuals appeared in the video. In the video, the perpetrator was wearing a medical face-mask and could not be accurately identified on that basis. The perpetrator was wearing distinctive clothing and RSO agreed to conduct a review of the CCTV footage for 4 August to see if the clothing matched anyone working on that day.

All other video files recovered contain images of the empty toilet cubicle (with no individuals).

29 October – SAO s 22(1)(a)(ii) sent formal report to Conduct and Ethics Section s 22(1)(a)(ii) | seeking advice about how to proceed.

1 November – RSO captured CCTV footage for 4 August (day card was found) and shared with SAO and DHOM/PSO. Clothing worn on 4 August by an employee identified in CCTV footage appeared to match the perpetrator in the video.

1 November – LSS recommended engaging local lawyers for advice about next steps, implications under Thailand's labour law and potential punishment under Thailand's criminal code.

3 November – SAO s 22(1)(a)(ii) met with Deloitte Lawyers s 47F(1).

5 November – SAO s 22(1)(a)(ii) entered agreement with Deloitte for legal services as prescribed by LSS and EES.

16 November – SAO s 22(1)(a)(ii) briefed HOM that legal advice will take three to four weeks given the

complexity of the issue/s.

17 November – SAO sent brief update to EES and LSS that post is still waiting for legal advice.

26 November – Local legal advice received by post and provided to PPD officials in Canberra. Advice sought on how to proceed.

30 November – Matter referred by EES to International Legal Section and Privacy Consent Section.

s 42(1)

7 December – Privacy waiver and caveat for immunity considerations sought.

15 December – Matter escalated again to CPO (PPD) by HOM.

20 December – Min-sub preparation commences.

21 December – Embassy provided approval to register the matter with Royal Thai Police (RTP).

22/23 December – HOM and SAO provides statement and evidence to RTP at Lumpini Police Station (500 metres from Embassy). SAO registered as the complainant.

23 December - Royal Thai Police (RTP) commenced seeking a warrant for the employee's arrest.

5 January – RTP advise that the warrant for the arrest is ready. RTP advise that the arrest can occur after-hours on 6 January at 7pm.

6 January at 7pm – RTP attend Chancery and arrest perpetrator and undertake search of his workspace and the areas the cameras were placed by the perpetrator (based on his admission). Perpetrator immediately confesses to the crime and produces the camera he has been using to collect covert videos.

7 January – Staff advised. Visit to Lumpini Police Station to check on perpetrator's welfare and provide the termination letter.

8 January – Further evidence (camera and recording devices) found by SAO in a locked cabinet near the perpetrator's workspace.

10 January – staff briefed on updates. RTP attends Embassy and collects further evidence. Meeting with RTP to discuss case status, victim identification process, contact with staff made by the perpetrator.

Relevant charges

Section 278

Whoever, committing an indecent act to the person out of fifteen years of age by threatening with any means, by doing any act of violence, by taking advantage of that person to be in the condition of inability to resist, or by causing that person to mistake him for the other person, shall be imprisoned not out of ten years or fined not out of twenty thousand Baht, or both.

Section 397

Whoever, in a public place or before the public, does, by any means whatever to annoy or bully the other person, or causes the other person to be ashamed or troubled, shall be punished with imprisonment not exceeding one month or fined not exceeding one thousand Baht, or both.

TIMELINE

6 JAN 2022

The arrest warrant was issued. Shortly after the warrant was issued, the offender was arrested, charged, and later released on bail.

10 JAN 2022

The police is in the process of gathering essential evidences and waiting for the results from the Office of Police Forensic Science, the Royal Thai Police.

6 FEB 2022

The summon was issued on 7 JAN 2022, the offender will have to present himself at the Lumpini police station for further interrogation.

MID-FEB 2022

The evidence and statements are expected to be ready for submitting the case to the prosecutor and later to the court.

STRESS RESPONSE

HYPERAROUSAL

- Increased heart rate
- Increased rate of breathing
- Blood flows from the arms and legs to organs and major muscle groups
- Tension in the person's muscles
- Hypervigilance i.e. being on guard (for threat)
- Problems with the digestive system
- Disturbance of sleep and energy levels

HYPOAROUSAL

- Having feeling of being 'shut down' or 'cut off'
- Avoidant – avoiding places, events, feelings
- Withdrawn
- Loss of humour, motivation, pleasure and connection with others
- Disturbance of sleep and energy levels

TIPS TO REDUCE DISTRESS

HYPERAROUSAL

- Recognise being hyper-aroused is a distress/fear response
- Validate their response (*'I can see you are...'*)
- Support the person to feel safe
- Turn the person's focus to their current task/need
- Support gentle ways for the person to release some energy
- Help the person to feel grounded, and feel settled in their body (e.g. feet firmly on the ground; some stretches)

HYPOAROUSAL

- Recognise being hypo-aroused is a distress/fear response
- Support the person to feel safe
- Provide an opportunity for the person to express their current needs without pressuring them to do so
- Pay attention to the physical space (*more or less proximity to others?*)
- Help the person to become aware of their current surroundings and to tune into their senses
- Encourage the person to move a little, change their posture/position or practice a familiar ritual or rhythm

Supporting Colleagues through Trauma-Informed Practice

Research shows that **positive interactions not only improve our wellbeing, but can also reduce the long-term impacts of potentially traumatic events**. Even in routine interactions, the way you communicate with others has the capacity to be soothing and validating.

Research indicates that approximately 20% of adults have experienced some form of trauma. People who have experienced trauma are more sensitive to events which can trigger stress. They are also more likely to experience further trauma (re-traumatisation) in interactions which are not trauma informed.

Applying the five principles of *trauma-informed practice* – **safety, trustworthiness, choice, collaboration, and empowerment** – significantly reduce the possibility that any party will be overwhelmed. These principles are more likely to enable positive interactions.

The trauma-informed principles outlined below **do not require special expertise and are an extension of how you already communicate**. They just require practise.

Safety

We all need to feel safe and secure. **If a person who has an experience of interpersonal trauma doesn't feel safe, they are unlikely to have a conversation about their situation**. Both physical and emotional safety are important.

Physical safety:

When speaking with somebody about their experience of a potentially traumatic event, consider whether the physical/geographical space you are having the conversation is **safe, private, and free from interruptions**.

Some questions you can ask to ensure a person feels physically safe:

- *Is there anywhere here that you think you might feel safer?*
- *Is there somewhere else you'd like to be right now?*
- *Is there anything I can do to help you feel safer right now?*

Emotional safety:

Non-verbal communication is as important as verbal communication in fostering safety. When you listen compassionately, tune in, are present and focused, and don't look away or interrupt you help a person feel it is safe to speak with you.

Some suggestions for communicating in a way that provides emotional safety:

- Select a time at which the person is likely to be comfortable and ready to speak.
- Maintain eye contact which is *consistent but not fixed*.
- Encourage the person to take their time and take short breaks if they need.
- Monitor how comfortable the person is during the conversation and check in during your conversation to see if they feel comfortable.
- Be alert to possible signs of stress in the person's body, e.g., dilated pupils, changes in skin colour, long pauses in the conversation.
- Where possible provide predictability and consistency in the workplace, e.g., holding team meetings at the same time each week.

Some questions that can support emotional safety:

- *How can I best support you right now?*
- *Can I check that I've understood you?*

Trustworthiness

When people have experienced betrayal it can be harder to speak about their experiences to others. Because interpersonal trauma violates trust, some people may find it difficult to trust other people easily.

You can build trust through:

- Applying the other trauma-informed values of safety, choice, collaboration, and empowerment.
- Taking a gentle and low-key approach to conversations.
- Ensuring you are always attentive to physical and emotional safety.
- Asking the person how they are feeling during and after the conversation. Be ready to help them with 'grounding' if and as necessary (see below).
- Tuning into the person's level of comfort and asking them how you might improve it.
- Listening without interrupting.

Choice

Trauma removes a person's ability to exercise choice. Thus it is **critical to provide choices, however small**, to people who have experienced trauma:

- Provide choices and input to the logistical details (i.e., date, time, venue) of conversations or meetings where possible.
- Do not overwhelm the person with the number of choices.
- Consider and explore what aspects of a person's work environment can help them feel more comfortable, e.g., (if and where appropriate) providing the option as to whether they attend meetings, offering flexible work arrangements.
- Where possible, inform colleagues in advance of meetings that discuss the traumatic event so that they are not taken by surprise and can make a choice as to whether they attend.

Collaboration

It is important to collaborate with people who have experienced interpersonal trauma, and **offer them as much opportunity for input as possible**. This is the difference between 'doing something *with*' someone rather than doing something '*to*' or '*for*' them.

- Apply a collaborative approach to conversations and interactions through exploring potential solutions or next steps together and inviting their ideas and preferences.
- As far as possible, ensure that the person is informed and involved in decision making and planning that affects them.

Empowerment

Interpersonal trauma often involves a loss of power. **Acquiring or restoring a sense of personal power is key** in the process of healing.

- Because trauma can negatively impact a person's self-esteem and sense of their own abilities, identify ways to make your interactions respectful, democratic, and inclusive.
- As far as possible, seek the person's preferences around the logistics of your conversation and engage with them in a collaborative way.

Additional tips to ensure that conversations are as safe as possible for all parties:

- To be able to help others, you also need to be in touch with, and manage your own stress levels. A trauma-informed approach is protective for *both* parties. When we are alert to the signs of overwhelm in ourselves we can steer the interaction in ways to ensure that neither party is overwhelmed. See '**understanding and reducing the stress response**' resource for tips to reduce distress (attached).
- Discussing distressing details may be overwhelming for you and your colleague. To ensure that conversations are as safe as possible for all parties, avoid any focus on distressing or overwhelming details by gently steering the person away from distressing details.
- If a person is wanting to discuss distressing and potentially overwhelming details of their experience you can say: *"It seems as though you need a place where you can discuss your experience. Would you like me to help connect you with a counsellor you could talk to?"*
- Identify signs of stress: people may be *hyperaroused* – speaking faster, visibly agitated, red face, raised voice, dilated pupils or *hypoaroused* – glazed expression, spacing out, shutting down. These are both signs that a person is feeling overwhelmed.
- To reduce distress encourage a person to use a simple grounding exercise, e.g., pushing their feet into the ground and focusing on the sensations; focusing their attention on what they can see, hear, smell, feel, and taste; or doing some simple stretches.

Adapted from: Talking About Trauma - Guide to Everyday Conversations for the General Public - Digital Download - Blue Knot Foundation

s 22(1)(a)(ii)

From: Allan Mckinnon
Sent: Thursday, 10 February 2022 9:41 AM
To: s 22(1)(a)(ii)
Cc: s 22(1)(a)(ii) Julia Feeney; s 22(1)(a)(ii)
Subject: Senate estimates; Bangkok misconduct case [SEC=PROTECTED]
Attachments: Log of actions misconduct case August 2021 to January 2022 (003).docx; Post Actions - Security.docx; 220210talkingpointspayneBKK.docx
Categories: For filing

PROTECTED

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PROTECTED

Good morning s 22(1)(a)(ii)

Hope you are well.

With senate estimates scheduled next week, we have put together a detailed timeline and action log to assist with understanding the various elements to this very complex issue. I guess it could be one of any number of areas that could be asked to respond but certainly you could be on your aspects.

Secondly, our RSO has been receiving various emails from different areas of DSD asking questions about security elements. To assist, attached is a summary of the actions specifically taken in relation to security. Grateful if any further security related questions could be directed to PSO and DHOM Julia Feeney copied to SAO s 22(1)(a)(ii) and me.

As noted above, given the complexity of this issue and the various stages of our response, we recommend providing a briefing to the officer/s who will be responding at estimates. It will be a good opportunity to talk through responses to anticipated questions and ensure we are all on the same page.

Please let me know a suitable time and we will make ourselves available.

I have also attached some talking points I put together for s 22(1)(a)(ii) which are for the Foreign Minister to use with staff when she passes through. I think that will be a mute audience but you will see we have had a bit of starting go at answering two questions which are likely to come up sometime, somewhere. They have already been asked by staff at the embassy and our answers seemed acceptable.

Over the next few days we will make up some mock up answers to what we see as the likely lines of questioning.

4 August - memory card found in female toilets on level three by s 22(1)(a)(ii) at 3pm and handed to Bangkok Security Manager s 22(1)(a)(ii) at 3pm. The card was found stuck on top of the toilette roll dispenser (attached to the sticky pad) next to the Dettol spray. Email sent to all staff encouraging owner of memory card to collect.

3 September – memory card reviewed by Security Manager (A-based) and no files found (blank).

4/5 September – Security Manager and First Secretary Pol/Eco used software to attempt to recover files. Eight photos of empty toilet cubicle (no individuals) recovered.

9 September – discussion held by SAO with RSO followed-up with email about the images found on the memory card. RSO asked to seek advice from DSD about next steps.

10 September – SAO briefed DHOM/PSO.

16 September – RSO met with DSD/IMD representatives to discuss the images found.

16 September – SAO/DHOM/PSO briefed HOM.

22 September – Security Incident Report submitted to DSD. DSD recommend engaging EES about the matter and sending memory card directly to DSD for further analysis.

24 September – SAO spoke with Director EES explaining events taken place. EES agreed with DSD's recommended action to send the memory card to DSD for further analysis.

25 September – memory card sent to DSD for analysis via dip bag (dispatched 28 September).

RSO in regular contact with DSD to confirm receipt of package.

12 October – RSO checked with Bangkok corporate team on status of dip mail delivery (had not yet arrived to recipient in Canberra).

RSO received confirmation from DHL Canberra that the dip bag had arrived but had not yet been sorted (delays in mailroom owing to split-team arrangements).

15 October – Package received by IMD.

20 October – DSD confirmed IMD preparing to do recovery and anticipate results within 24 hours.

21 October – DSD confirmed a delay to commencement of recovery.

22 October – DSD confirmed still a work-in-progress.

27/28 October – RSO and IMD liaising to arrange transfer of any recovered files.

29 October – RSO confirmed that in addition to the eight images already found another 10 images and 7 video files were recovered. Footage viewed by SAO, DHOM/PSO and RSO. In one video, the perpetrator appears at the start of the video for 11 seconds. The total length of the video is 11 minutes and 16 seconds. The date stamp on the video is 2016/05/01 at 1.38:20 (1.38 AM or PM). Date stamp inaccurate as Embassy was not built in 2016. No other individuals appeared in the video. In the video, the perpetrator was wearing a white medical face mask and could not be accurately identified on that basis. The perpetrator was wearing distinctive clothing and RSO agreed to conduct a review of the CCTV footage for 4 August to see if the clothing matched anyone working on that day.

All other video files recovered contain images of the empty toilet cubicle (with no individuals).

29 October – SAO sent formal report to EES and sought advice about how to proceed. EES refer matter to LSS.

1 November – RSO captured CCTV footage for 4 August (day card was found) and shared with SAO and DHOM/PSO. Clothing worn on 4 August by an employee identified in CCTV footage appeared to match the perpetrator in the video.

1 November – LSS recommended engaging local lawyers for advice about next steps, implications under Thailand's labour law and potential punishment under Thailand's criminal code.

3 November – SAO met with Deloitte Lawyers s 47F(1)

5 November – SAO entered agreement with Deloitte for legal services as prescribed by LSS and EES.

16 November – SAO briefed HOM that legal advice will take three to four weeks given the complexity of the issue/s.

17 November – SAO sent brief update to EES and LSS that post is still waiting for legal advice.

26 November – Local legal advice received by post and provided to PPD officials in Canberra. Advice sought on how to proceed.

30 November – Matter referred by EES to International Legal Section and Privacy Consent Section. s 42(1)

7 December – Privacy waiver and caveat for immunity considerations sought.

15 December – Matter escalated to CPO (PPD) by HOM.

20 December – Min-sub preparation commences.

21 December – Embassy provided approval to register the matter with Royal Thai Police (RTP).

22/23 December – HOM and SAO provide statement and evidence to RTP at Lumpini Police Station (500 metres from Embassy). SAO registered as the complainant.

23 December - Royal Thai Police (RTP) commenced seeking a warrant for the employee's arrest and to undertake a search of his workspace at the Chancery and his residence.

5 January – RTP advise that the warrant has been approved. RTP advise that the arrest and search can occur after-hours on 6 January at 7pm.

6 January at 7pm – RTP attend Chancery and arrest perpetrator and undertake search of his workspace and the areas the cameras were placed (based on his admission). Perpetrator immediately confesses to the crime and produces the camera he has been using to collect covert videos. Perpetrator taken to his residence for a further search and then detained at the Lumpini Police station overnight.

RSO conducted a complete physical search of all toilet and shower facilities at Chancery.

7 January – Staff advised at Section-by-Section town halls hosted by Ambassador. Advice provided regarding counselling and support services available to all staff.

Visit to Lumpini Police Station to check on perpetrator's welfare and provide the termination letter. Perpetrator released on bail.

Meeting with SFO to discuss plans for support and counselling services to be made available to all staff.

8 January – Further evidence (camera and recording devices) found by SAO in a locked cabinet near the perpetrator's workspace.

10 January – Ambassador hosts all staff town hall to provide an update on events occurring over the weekend. RTP attends Embassy and collects further evidence. Meeting hosted by Ambassador with RTP to discuss case status, victim identification process, contact with staff made by the perpetrator.

Counselling services provided in-house for all staff to access.

RSO conducted an additional complete physical search of all toilet and shower facilities on compound. Physical inspections accompanied by three JLL male staff and one female cleaner. All surfaces and items/fixtures within the bathrooms were inspected. All ceiling access hatches were opened and ceiling space above each facility checked.

11 January – Counselling services provided in-house for all staff to access.

12 January – All staff townhall hosted by Ambassador to provide update about on the investigation and counselling and support services available to staff.

17 January – SFO session for people leaders.

Document showing photos and describing in-ceiling building services sent to all staff.

18 January - SFO session for people leaders. Witness statements taken by RTP at Embassy.

Counselling services provided in-house for all staff to access.

19 January – Meeting with SFO to discuss support services being provided to all staff.

Counselling services provided in-house for all staff to access.

20 January - All staff townhall hosted by Ambassador to provide update about the investigation and counselling and support services available to staff.

24 January – Section Heads hosted by Ambassador to provide update about the investigation and counselling and support services available to staff.

25 January - Witness statements taken by RTP at Embassy. SFO session for people leaders.

Counselling services provided in-house for all staff to access.

31 January - Section Heads hosted by Ambassador to provide update about the investigation and counselling and support services available to staff.

1 February - Meeting with SFO to discuss support services being provided to all staff.

2 February - Witness statements taken by RTP at Embassy.

Talking points:

- I want to acknowledge how painful and difficult the last few weeks have been for you all over the last few weeks as we continue to deal with impact of your former colleague's actions.
- I assure you that the Australian Government has zero tolerance for his alleged crime.
- As the Minister for Foreign Affairs and therefore the Minister responsible for this Embassy, and also in my other capacity as Minister for women I wanted to make sure that you fully understood this and that you had whatever support was necessary at this difficult time.
- I know that Ambassador McKinnon and his team have been completely open and transparent in dealing with you about this issue. You have been told everything that they know. I fully support this approach and have asked Ambassador McKinnon to continue to keep you fully informed.
- I know that all of you are aware of and many of you are very involved with the whole legal process against your former colleague. I want to thank the 65 people who have made statements to the police. I know this took courage and I am glad that the Embassy was able to agree on an approach which minimized the stress.
- At the moment our staff welfare is our primary focus of concern
 - I understand that there have been counsellors in the office on Mondays and Tuesdays and would encourage staff to make contact with them if they are experiencing any difficulties. Please also remember you can also contact the SFO and or EAP by phone for assistance.
 - The SFO have been working with the Leadership Team to provide additional group sessions for staff and managers. This support will be ongoing.
 - The Principal Psychologist will visit post in early March to provide additional support to post.
- This is a very high performing post. The whole COVID period has been difficult. Even your normal work has been difficult and different parts of the Embassy have had to carry additional burdens. I know that you this post has taken on the visa processing load from across the region and even assisted offices back in Australia. And of course consular always seems to cop it. It is a terrible thing that on top of all this you have had to endure this awful betrayal from your former colleague. But throughout all of this you have continued to do an excellent job. On behalf of the Government and all Australians I want to thank you.
-

If raised: Delays in informing staff (in bold and italics)

- As I understand it, the Ambassador and his management team were faced with a very difficult choice. Remember they started off with just a blank memory chip. It has taken forensic security investigation, the resolution of a range of legal issues and the securing of the cooperation of the Royal Thai police to get to this point. All of this work was done carefully, thoroughly and legally.
- Had they confronted your former colleague when they first suspected something they would not have had the legal or evidentiary basis to act. Your colleague would have been free to continue his activities. And we would have had no chance of determining what images your

former colleague had captured or what he had done with them. He might have even been able to take legal action to continue working in the Embassy.

- For all these reasons, the decision was taken to ensure that we were legally entitled to act and that we were operating in close cooperation with the Royal Thai Police. This took a little time but it meant that the police were able to secure all the evidence in this building and search your former colleague's dwelling.

—

IF RAISED: (SECURITY REVIEW)

- As I know you are aware, post has sought advice on a number of security issues to confirm their understanding of key issues. In particular Management are confident there are no cameras left in place. They have done the appropriate "sweeps" repeatedly. Diplomatic Security in Canberra have confirmed that the steps taken by Post are appropriate.

We have to recognise that what happened here was that a "trusted insider" carried tiny, cheap, cameras into the Embassy and opportunistically stuck them on walls and ceilings. They were cheap and low tech. They had limited functionality. The risk was not to information or personal security. Your former colleague had no access to the embassy's restricted area. The risk was to the privacy and trust of you his colleagues at the time. Unfortunately, in the modern world this can happen anywhere. Being an Embassy has not made us immune.

Security: Actions by post

Inspections

Following initial recovery of photos (5 September 2021), all chancery bathrooms/toilets were inspected, and some evidence (ceiling surface damage) was found in the level 3 female toilets to suggest the recovered photos were taken from this location.

Inspections occurred regularly at random intervals to look for any additional suspicious activity, items, or damage.

A full inspection by RSO of all chancery bathrooms/toilets after hours on 14 September 2021 was completed. Regular random inspections of all toilets and bathrooms within the chancery continued including inspections of the level 3 female toilets during work hours by the female security manager.

Following the arrest on 6 January 2022, a physical inspection of all bathrooms and showers within chancery was completed by RSO (occurred after hours).

A further full physical inspection of all bathrooms and showers on compound (including chancery, HOM residence, public areas, service areas, and recreation areas) was completed on 10 January 2022 during work hours. Inspection conducted by RSO and accompanied by three JLL male maintenance staff and one female cleaner. The inspection included checking all surfaces, fixtures, and items within these rooms. All ceiling access hatches were opened and ceiling space above each room checked.

Key points:

Up until the arrest and alleged perpetrator's statement to police on the night of arrest, evidence (ceiling surface damage) suggested a device had been placed temporarily on the surface of the ceiling in the level 3 female toilet only. The location of ceiling surface damage aligned with where a device would be placed to take the footage seen in both the initial recovered photos, and the subsequent recovered photos and videos (which all show the same toilet cubicle).

The alleged perpetrator's statement to police on the night of arrest indicated three locations where the single camera was used (and moved between locations): level 3 female toilets, level 3 unisex toilet/shower, level 2 unisex toilet/shower. (each floor within the chancery has a male toilets, female toilets, and a single unisex disabled toilet/shower room)

We know from physical evidence we discovered in the course of physical inspections and from the alleged perpetrator's statement that the camera was only ever used intermittently and for short periods of time. The camera is a simple, self-contained (non-transmitting) portable device (battery powered, manually operated, images stored internally on a removable memory card). This accounts for the fact that despite numerous physical sweeps being conducted no camera was ever discovered in place. There is absolutely no evidence that there were ever any fixed camera installations.

Questions raised by staff following the arrest:

- What does the camera look like and where was it placed?
Staff were offered a “tour” of the locations where evidence pointed to the camera being used. This evidence aligned with the alleged perpetrator’s statement given to police on the night of arrest.
The tour took place on 13 January 2022. Staff (who elected to attend) were shown a photo of the device (actual size), the device packaging (box), locations of evidence, and locations the camera had been used (as per alleged perpetrator’s statement).
- Should electronic sweeps be carried out to attempt to detect cameras?
Staff were briefed (12 January 2022) on advice received from DSD confirming physical inspections are the most appropriate way to find any similar recording devices.
- Can post provide a guide to all staff documenting in-ceiling services and their function?
A document showing photos and descriptions of in-ceiling services was emailed to all staff on 17 January 2022.
- Given the role of the alleged perpetrator (LANA) supporting IT systems and equipment including providing direct IT support to staff and their devices, should staff be concerned with their devices (DFAT issued laptops and mobile phones) being compromised?
All staff briefed following advice received from IMD Cyber: staff should not be alarmed about the integrity of their devices but should be vigilant and report any unexpected behaviour or unexpected software on their devices.
Cyber also checked the account of the accused to look for anomalous activities and in their checks no indication of any misuse of IT access was found.



Australian Government
Department of Foreign Affairs and Trade

BRIEF FOR MINISTER FOR FOREIGN AFFAIRS AND MINISTER FOR WOMEN Senator the Hon Marise Payne



VISIT TO THAILAND

Bangkok, 24-25 February 2022

TABLE OF CONTENTS

VISIT OVERVIEW	4
----------------	---

s 22(1)(a)(ii)

EVENT BRIEFS	20
--------------	----

s 22(1)(a)(ii)

Pastoral Message to Embassy Staff	24
-----------------------------------	----

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Embassy Security Incident

49

s 22(1)(a)(ii)

VISIT OVERVIEW

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Your visit comes during a challenging time for the Embassy following the discovery of hidden cameras in the women's bathrooms. If time permits, it would be highly appreciated if you could meet with Embassy staff and provide reassurance and support following the recent arrest of a locally engaged staff member charged over the cameras.

s 22(1)(a)(ii) – this section, together with the following pages (192-210) are out of scope and have been removed.

Pastoral Message to Embassy Staff

Time and Place Thursday 24 February, 1600-1630, Virtual from hotel room	Key attendees Staff from the Australian Embassy, including locally engaged staff.
Role, objective, context and sensitivities To provide reassurance and support for Embassy staff following the discovery of hidden cameras in the women's bathrooms and the arrest of a locally engaged staff member.	
Handling note This matter has been very upsetting for many staff at the Embassy. The department has provided professional in-country counselling and psychological support services to all staff. Mental health and wellbeing training is being provided to managers to enable them to support staff. Additional 24-hour support for staff and their immediate families is available through the department's Employee Assistance Program. Supplementary senior staff will be deployed to the Embassy, including the department's principal psychologist.	

Remarks

Remarks to be provided separately

Embassy Security Incident

Talking points:

- I appreciate that the recent incident resulting in the termination of a locally engaged employee is distressing.
- I won't speak to the matter as it is the subject of a Royal Thai police investigation; however, I want to thank you for professionally cooperating with the authorities.
- Important also to ensure that due process be followed to best support the investigation and any accountability processes.
- I want to acknowledge how difficult the last few weeks have been for you all as you continue to deal with impact of your former colleague's actions.
- I know that Ambassador McKinnon and his team have been open and transparent in dealing with you about this issue. I fully support this approach and have asked Ambassador McKinnon to continue to keep you fully informed.
- The department places the highest priority on ensuring the security, safety and welfare of staff.
- I understand that there have been counsellors in the office on Mondays and Tuesdays, and would encourage staff to make contact with them if they are experiencing any difficulties. Please remember you can also contact the Staff and Family Support Office (SFO) and or Employee Assistance Program (EAP) by phone for assistance.
- The Principal Psychologist will visit post in early March to provide additional support.

If raised: Delays in informing staff

- Remember they started off with just a blank memory chip. It has taken forensic security investigation, the resolution of a range of s 42(1) and the securing of the cooperation of the Royal Thai police to get to this point
 - all of this work was done carefully, thoroughly and s 42(1)

If raised: Security review

- Diplomatic Security Division in Canberra has confirmed that the steps taken by post are appropriate.
- This event was considered an isolated incident that was an opportunistic, malicious act undertaken by your former colleague.
- While the event occurred in a non security-sensitive area of the mission, your welfare and priority remains my top priority and we continue to focus on that.

Background

LES Matter

- On 6 January 2022, the Royal Thai Police arrested and detailed a Locally Engaged Staff (LES) member on charges relating to the placement of cameras in toilets and showers in the Bangkok Embassy.

- The staff member has admitted placing the cameras, and is cooperating with the police.
- A thorough inspection of the building was conducted which confirmed appropriate security measures are in place.

The department has provided professional in-country counselling and psychological support services to all staff. Mental health and wellbeing training is being provided to managers to enable them to support staff. Additional 24-hour support for staff and their immediate families is available through the department's Employee Assistance Program. Supplementary senior staff will be deployed to the Embassy, including the department's principal psychologist.

Bangkok LES Matter

Handling Note: COO/CPO to lead on the investigation. COO/CSO to lead on security of missions.

Strategic Message

- On 6 January 2022, a Locally Engaged staff member from the Australian Embassy in Bangkok was arrested and charged with criminal offences.
- The staff member admitted to placing a hidden camera in the Australian Embassy's toilets and showers.
- This is a criminal matter, being investigated by Royal Thai Police. The Australian Government is cooperating fully with the investigation.
- Embassy staff were provided with access to counselling services immediately after the arrest. This support is ongoing.
- The safety and welfare of all staff serving at posts overseas is a top priority.
- We keep our security arrangements at all posts under close and constant review, adjusting security measures to manage risks.

Can you confirm that a staff member at the Australian Embassy in Bangkok has admitted to placing a hidden camera in showers and toilets in Embassy?

- I can confirm that a Locally Engaged Staff member was arrested and charged with an offence of that nature, by the Royal Thai Police on 6 January 2022.
- The staff member's employment was terminated the same day.
- The offence is a serious criminal matter in Thailand, and the Royal Thai Police are investigating. We will continue to cooperate closely with the Royal Thai Police.
- Our focus in this matter is now on the welfare and privacy of staff.

How long was the camera in place?

- The matter is the subject of a Royal Thai Police investigation with the full facts yet to be determined.

How did the camera get into the Embassy?

- The matter is the subject of a Royal Thai Police investigation with the full facts yet to be determined.
- Electronic equipment like phones, laptops and cameras are used within non-security sensitive areas only.
- There are robust physical and other security measures in place to protect more sensitive areas.

Has this incident compromised the security of the Embassy?

- No.

- . The area involved was not a security-sensitive area of the mission.
- . The department has reviewed relevant processes, and the security of the Embassy in Bangkok remains robust and appropriate.
- . Security arrangements at all posts are kept under close and very regular review, so we can adjust security measures to manage risks as needed.

What support has been provided to staff?

- . The department has provided professional in-country counselling and psychological support services to all staff. These services are being delivered face-to-face and/or virtually, dependent on individual preference.
- . Mental health and wellbeing training is being provided to managers to enable them to support staff.
- . Additional 24-hour support for staff and their immediate families is available through the department's Employee Assistance Program.
- . The department will shortly deploy supplementary senior staff to the Embassy, including the department's principal psychologist.
- . The welfare and privacy of all staff remains a priority for the department.

What measures have been taken at the Bangkok Embassy in response to this incident?

- . This event was considered an isolated incident and did not affect the security-sensitive areas of the Embassy.
- . As part of our standard security processes and procedures, we undertake inspections regularly and at random intervals to look for any suspicious activity, items or damage.
- . But immediately following the incident coming to our attention, we carried out detailed physical inspections, including all toilets and showers to satisfy ourselves that appropriate security measures are in place.
- . Our specialist security advisers are working closely with post management to continue to provide security advice in response to the incident.

What measures have been taken at other Australian missions overseas?

- . The safety of all staff serving at posts overseas is our top priority.
- . We keep our security arrangements at all posts under close review and adjust security measures to manage risks as needed.
- . The department employs a layered and risk-based approach to security to identify, assess and manage security risks domestically and overseas.
- . Australian missions overseas are conducting enhanced inspections at regular intervals, supported by our network of Regional Security Officers.
- . In response to this incident, all of our missions are reviewing their Post Security Plans, induction briefing, and communications encouraging staff to report any suspicious activity or objects.

Do you have effective screening in place to ensure only individuals of appropriate character are employed at our embassies, did the individual have a security clearance?

- . As a matter of policy, the department does not publicly discuss the security clearances of its officers.
- . Australia, like many countries, employ local staff to perform certain functions at its missions overseas.
 - These staff may be expatriate Australian citizens or nationals of the host of country.
- . Locally Engaged Staff bring with them a wealth of knowledge and expertise about the host country and are highly valued by the department for their contribution to our advocacy overseas.
- . The engagement of Locally Engaged Staff and the responsibilities, systems and building access given to them, is commensurate with the assessed security risks
 - All Locally Engaged Staff undergo a minimum employment check as required by recruitment policy, local labour laws and the Australian Government Protective Security Policy Framework.

What was the motivation of the individual? Are you concerned about hostile intelligence or criminal links to the individual?

- . The matter is the subject of Royal Thai Police investigation with the full facts yet to be determined.
 - Important to note this incident did not affect any security-sensitive areas of the mission.

A large amount of information on the investigation has found its way into the media. Do the information disclosures pose a security risk to the department?

- . The department takes our responsibility to protect official information seriously.
- . We have policies and procedures in place to ensure the protection of information, as well as awareness campaigns and staff training to ensure staff are aware of their individual obligations.
- . I will not provide any further comment on internal inquiries.
- . Our focus is on the welfare and privacy of our staff.
- . We have a positive security culture.
 - We undertook a security culture survey at the end of 2020
 - It showed 81 per cent of staff agree or strongly agree that their personal values closely align with DFAT's values
 - And that 98 per cent of employees expect all staff to comply with security policies.

If pressed, does this demonstrate a lack of support provided by the department to the affected individuals?

- Unauthorised disclosures are motivated by a range of factors.
- The past two years have been tough for everyone, including our staff, who have served Australia's interests here and abroad under trying circumstances.
 - This incident would also be distressing for staff.
- The department continues to provide professional in-country counselling and psychological support services to all staff
- The welfare and privacy of all staff remains a priority for the department, and we are focussing on that.

Has this incident increased the Foreign Intelligence threat to your staff?

- The Department operates in a challenging and evolving global security threat environment.
- We keep our global security arrangements under close review to ensure we respond proactively to changes in the threat environment.
 - This work is informed by detailed threat and security risk assessments.
- DFAT employs a layered and risk-based approach to security to identify, assess and manage security risks.
 - Including working closely with other agencies, such as ASIO, to actively manage the risk posed to our people, information, and assets from foreign intelligence services; and
 - Ensuring we support our staff by appropriately training them to recognise and manage the risks while serving overseas.
- It is not appropriate to go into the detail of specific mitigation measures, but it is at the front of our minds and actions.
- The matter is the subject of Royal Thai Police investigation with the full facts yet to be determined.

Background:

NOT FOR PUBLIC DISCLOSURE

- On 4 August a memory card was found in the female toilets on level three of the Bangkok Embassy. The memory card was initially treated as an item of lost property. After not being claimed, the memory card was reviewed by the Post Security Manager with no files found. Recovery software then identified eight photos of an empty toilet cubicle.
- Following initial recovery of photos (5 September 2021), all chancery bathrooms/toilets were inspected, and some evidence (ceiling surface damage) was found in the level three female toilets to suggest the recovered photos were taken from this location.
- Our Regional Security Officer (RSO) undertook a further full inspection of all chancery bathrooms/toilets after hours on 14 September 2021. Regular random inspections of all toilets and bathrooms within the chancery continue including inspections of the level 3 female toilets during work hours by the female security manager.

- Further investigation of the memory card by staff in Canberra recovered additional images and video files. One of the videos led to identification of the perpetrator.
- On 6 January the Royal Thai Police arrested and detained a Locally Engaged Staff member on charges relating to the placement of a hidden camera in the toilets and showers of the Australian Embassy in Bangkok.
- The staff member has admitted to the charges and is cooperating with the police. The staff member did not have a security clearance nor access to sensitive information. There was no information or indication that the LES officer posed a security threat.
- Following the arrest, another physical inspection of all bathrooms and showers within the chancery was completed by the RSO (this occurred after hours). The alleged perpetrator's statement to police on the night of arrest indicated three locations where the single camera was used (and moved between locations).
- During work hours on 10 January 2022, a further full inspection of all bathrooms and showers on compound (including the chancery, HOM residence, public areas, service areas, and recreation areas) was completed.
- Inspections continue at regular and random intervals.
- We continue to provide professional in-country counselling and psychological support services to all staff.

Supporting information

Questions on Notice

February Estimates: (17 February 2022)

- No QoN

Freedom of Information (FOI) Requests

- N/A

Recent Ministerial Comments

- N/A

Recent Media Reporting

Media Reporting of the incident 5 February includes the following (full articles below).

- *Ex-Australian embassy staff member charged by Thai police after cameras found in women's bathrooms in Bangkok mission* ABC 5 February 2022
- *Staffer at Australia's Thailand embassy charged over hidden bathroom cameras* The Sydney Morning Herald 6 February

Division: COO PPD	
PDR No: EC22-000298	
Prepared by: s 22(1)(a)(ii) Mob: s 22(1)(a)(ii) Ext: s 22(1)(a)(ii) Date: 8 February 2022	Cleared by Branch/Division Head: Jo Talbot Mob: s 22(1)(a)(ii) Ext: s 22(1)(a)(ii) Date: 10 February 2022
Consultation: Enter Div/Branch/Section. s 22(1)(a)(ii)	Date: 7 January 2022 M. s 22(1)(a)(ii) M. M.
Cleared by CPO:	Date: 10 February 2022
Cleared by Deputy Secretary:	Date:

Ex-Australian embassy staff member charged by Thai police after cameras found in women's bathrooms in Bangkok mission

Exclusive by ABC Investigations' [Elise Worthington](#) and South-East Asia correspondent [Mazoe Ford](#)





Bank Thamsongsana was arrested last month.*(Supplied)*

It is understood multiple cameras were discovered directed at women's showers and toilets after an SD card containing images of female staff was found on a bathroom floor last year.

A government employee with knowledge of the incident told the ABC employees at the embassy were shocked and shaken.

"Female staff, Thai and Australian, are very anxious," the person said.

"Some of the women don't feel safe to stay there. They feel compromised and threatened."

The government employee added that embassy staff wanted more support to "manage the serious psychological impacts of this matter, or even the possibility of serious security breaches".

It is not known how long the cameras had been in place or how much vision had been collected but it is understood dozens of Australian embassy staff are assisting the Thai police.

An officer from the Royal Thai Police, who is working on the investigation, told the ABC it was "a sensitive case" that "involved many people".

The officer said forensic investigators were currently looking through the evidence and female police would be interviewing the women affected.

Police confirmed a man had been charged with two offences under sections of the Thai criminal code which cover sexual and public nuisance offences.

The charges carry a maximum penalty of 10 years' jail or a 20,000 baht (\$850) fine.

The ABC has been told Mr Thamsongsana, a married man in his 30s, was released on bail after spending one night in custody.



Bank Thamsongsana worked as an IT systems manager at the embassy. *(Supplied)*

The Australian Federal Police and DFAT declined to comment on whether there would be any Australian government or law enforcement investigation into the incident.

'This is supposed to be a secure government building'

The Australian Embassy in Bangkok is one of Australia's largest diplomatic missions in the world.

Peter Jennings, executive director at the Australian Strategic Policy Institute, said the security breach was a matter of great concern.

"There's clearly been a failure here on a number of levels, all of which need to be reviewed," Mr Jennings said.



Peter Jennings says the Bangkok breach is likely to have prompted reviews of security at other Australian overseas posts. *(AAP: Mick Tsikas, file photo)*

"No staff member should expect to have to confront this type of appalling behaviour and I think it needs to be treated with utmost seriousness.

"There's also the added dimension beyond that, this is supposed to be a secure government building where classified work is undertaken."

"I would imagine as a result of this, both the Australian embassy in Bangkok and probably embassies worldwide have gone through reviews of their physical security."



The Australian embassy in Bangkok moved to a new building in 2017.(BVN)

The ABC asked DFAT if the Australian government was taking action to assess and improve security at its foreign posts but it did not provide those details.

A DFAT spokesperson said the department was unable to comment further as it was an ongoing legal matter.

"The welfare and privacy of all staff remains a priority for the department and we continue to provide appropriate support," the spokesperson said.

Staffer at Australia's Thailand embassy charged over hidden bathroom cameras



By [Chris Barrett](#)

Singapore: A former employee at Australia's embassy in Thailand is facing a possible jail sentence over allegations he placed cameras in women's bathrooms at the government building in Bangkok.

Bank Thamsongsana, an Australian and Thai dual national who was an IT worker at the diplomatic post, has been charged by Royal Thai Police following the discovery last year of a camera chip on the floor of a women's bathroom inside the embassy.



The embassy in Bangkok is one of Australia's largest.

He was sacked a day after his arrest on January 6 and could now face as long as 10 years in prison if found guilty of sexual and public nuisance offences.

The ABC first reported the police's investigation of Thamsongsana on Saturday.

More than 60 women employed at the embassy, one of Australia's largest foreign missions, have lodged complaints with Royal Thai Police, concerned that footage of them may have been captured.

The embassy and the Department of Foreign Affairs and Trade in Canberra began an internal probe last year after a tiny memory card was found in one of the women's bathrooms on the ground floor building, according to employees who spoke on the condition of anonymity.

Staff were told the card was empty and no cameras were found installed, but an investigation of other devices turned up vision taken inside one of the bathrooms.

While no footage of female employees was uncovered as part of that investigation, staff were told, Thai police are now looking deeper into Thamsongsana's alleged conduct and have searched his house looking for further material.

The Sydney Morning Herald and The Age have been told that the cameras that had been set up in the bathrooms were about the size of two 20-cent pieces, with the capacity to record for about two hours but not to transmit. The cameras used were not permanently installed, staff have been told, but it's unclear for how long and with what frequency they were being placed near women's toilets and showers.

Thamsongsana worked on the ground floor of the embassy and did not have access to the restricted area of the building, which is on another level. But Australian and Thai staff at the mission, where more than 250 people work, have been rocked by the security and privacy breach and the prospect that female employees were secretly recorded.

Staff were informed about the filming in bathrooms the morning following Thamsongsana's arrest and counsellors and psychologists were brought in soon after.

Employees have also since been taken in groups into the bathrooms to show them where the cameras were suspected of being positioned.

Thamsongsana, who was held overnight in a remand centre in Bangkok last month, before being released on bail, has since emailed dozens of women at the embassy, imploring them not to proceed with their complaints against him and offering them compensation, the Herald and The Age has been told.

A spokesperson for Australia's Department of Foreign Affairs and Trade said it could confirm that a former locally engaged staff member at the Australian embassy in Bangkok was arrested by Royal Thai Police on January 6.

"As this is an ongoing legal matter, the department is unable to comment further. The welfare and privacy of all staff remains a priority for the department and we continue to provide appropriate support," the spokesperson said.

The police investigation over hidden cameras at the Australian embassy comes as a senior Thai naval officer has been accused of placing cameras in women's bathrooms at his office.

A naval disciplinary committee has been set up after two cameras were last month found in the ceiling of a bathroom during electrical repairs.

Bangkok LES Matter

Handling Note: COO/CPO to lead on the investigation. COO/CSO to lead on security of missions.

Strategic Message

- On 6 January 2022, a Locally Engaged staff member from the Australian Embassy in Bangkok was arrested and charged with criminal offences.
- It is alleged that the staff member placed a hidden camera in the Australian Embassy's toilets and showers.
- This is a criminal matter, being investigated by Royal Thai Police. The department is cooperating fully with the investigation.
- Embassy staff were provided with access to counselling services immediately after the arrest. This support is ongoing.
- The safety and welfare of all staff serving at posts overseas is a top priority.
- We keep our security arrangements at all posts under close and constant review, adjusting security measures as required to manage risks.

Can you confirm that a staff member at the Australian Embassy in Bangkok has admitted to placing a hidden camera in showers and toilets in Embassy?

- A Locally Engaged Staff member was arrested and charged with an offence of that nature, by the Royal Thai Police on 6 January 2022.
- The staff member's employment was terminated the same day.
- The offence is a serious criminal matter in Thailand, and the Royal Thai Police are investigating. We will continue to cooperate closely with the Royal Thai Police.
- Our focus in this matter is now on the welfare and privacy of staff.

How long was the camera in place?

- The matter is the subject of a Royal Thai Police investigation with the full facts yet to be determined.

How did the camera get into the Embassy?

- The matter is the subject of a Royal Thai Police investigation with the full facts yet to be determined.
- Electronic equipment like phones, laptops and cameras are used within non-security sensitive areas only.
- There are robust physical and other security measures in place to protect more sensitive areas.

Has this incident compromised the security of the Embassy?

- No.

- . The area involved was not a security-sensitive area of the mission.
- . The department has reviewed relevant processes, and the security of the Embassy in Bangkok remains robust and appropriate.
- . Security arrangements at all posts are kept under close and very regular review, so we can adjust security measures to manage risks as needed.

What support has been provided to staff?

- . The department has provided professional in-country counselling and psychological support services to all staff.
- . Mental health and wellbeing training is being provided to managers to enable them to support staff.
- . Additional 24-hour support for staff and their immediate families is available through the department's Employee Assistance Program.
- . The department will shortly deploy supplementary senior staff to the Embassy, including the department's principal psychologist.
- . Earlier travel to the embassy was challenging with COVID restrictions.
- . The welfare and privacy of all staff remains a priority for the department.

What measures have been taken at the Bangkok Embassy in response to this incident?

- . This event was considered an isolated incident and did not affect the security-sensitive areas of the Embassy.
- . As part of our standard security processes and procedures, we undertake inspections regularly and at random intervals to look for any suspicious activity, items or damage.
- . But immediately following the incident coming to our attention, we carried out detailed physical inspections, including all toilets and showers to satisfy ourselves that appropriate security measures are in place.
- . Our specialist security advisers are working closely with post management to continue to provide security advice in response to the incident.

What measures have been taken at other Australian missions overseas?

- . The safety of all staff serving at posts overseas is our top priority.
- . We keep our security arrangements at all posts under close review and adjust security measures to manage risks as needed.
- . The department employs a layered and risk-based approach to security to identify, assess and manage security risks domestically and overseas.
- . Australian missions overseas are conducting enhanced inspections at regular intervals, supported by our network of Regional Security Officers.
- . In response to this incident, all of our missions are reviewing their Post Security Plans, induction briefing, and communications encouraging staff to report any suspicious activity or objects.

Do you have effective screening in place to ensure only individuals of appropriate character are employed at our embassies, did the individual have a security clearance?

- . As a matter of policy, the department does not publicly discuss the security clearances of its officers.
- . Australia, like many countries, employ local staff to perform certain functions at its missions overseas.
 - These staff may be expatriate Australian citizens or nationals of the host of country.
- . Locally Engaged Staff bring with them a wealth of knowledge and expertise about the host country and are highly valued by the department for their contribution to our advocacy overseas.
- . The engagement of Locally Engaged Staff and the responsibilities, systems and building access given to them, is commensurate with the assessed security risks
 - All Locally Engaged Staff undergo a minimum employment check as required by recruitment policy, local labour laws and the Australian Government Protective Security Policy Framework.

What was the motivation of the individual? Are you concerned about hostile intelligence or criminal links to the individual?

- . The matter is the subject of Royal Thai Police investigation with the full facts yet to be determined.
 - Important to note this incident did not affect any security-sensitive areas of the mission.

A large amount of information on the investigation has found its way into the media. Do the information disclosures pose a security risk to the department?

- . The department takes our responsibility to protect official information seriously.
- . We have policies and procedures in place to ensure the protection of information, as well as awareness campaigns and staff training to ensure staff are aware of their individual obligations.
- . Our focus is on the welfare and privacy of our staff.

Has this incident increased the Foreign Intelligence threat to your staff?

- . The Department operates in a challenging and evolving global security threat environment.
- . We keep our global security arrangements under close review to ensure we respond proactively to changes in the threat environment.
 - This work is informed by detailed threat and security risk assessments.
- . DFAT employs a layered and risk-based approach to security to identify, assess and manage security risks.

- Including working closely with other agencies, such as ASIO, to actively manage the risk posed to our people, information, and assets from foreign intelligence services; and
 - Ensuring we support our staff by appropriately training them to recognise and manage the risks while serving overseas.
- It is not appropriate to go into the detail of specific mitigation measures, but it is at the front of our minds and actions.
 - The matter is the subject of Royal Thai Police investigation with the full facts yet to be determined.

Background:

- On 4 August a memory card was found in the female toilets on level three of the Bangkok Embassy.
- The memory card was initially treated as an item of lost property. After not being claimed, the memory card was reviewed by the Post Security Manager with no files found. Recovery software then identified eight photos of an empty toilet cubicle.
- Following initial recovery of photos (5 September 2021), all chancery bathrooms/toilets were inspected, and some evidence (ceiling surface damage) was found in the level three female toilets to suggest the recovered photos were taken from this location.
- Our Regional Security Officer (RSO) undertook a further full inspection of all chancery bathrooms/toilets after hours on 14 September 2021.
- Regular random inspections of all toilets and bathrooms within the chancery continue including inspections of the level 3 female toilets during work hours by the female security manager.
- Further investigation of the memory card by staff in Canberra recovered additional images and video files. One of the videos led to identification of the perpetrator.
- On 6 January the Royal Thai Police arrested and detained a Locally Engaged Staff member on charges relating to the placement of a hidden camera in the toilets and showers of the Australian Embassy in Bangkok.
- The staff member did not have a security clearance nor access to sensitive information. There was no information or indication that the LES officer posed a security threat.
- Following the arrest, another physical inspection of all bathrooms and showers within the chancery was completed by the RSO (this occurred after hours).
- The alleged perpetrator's statement to police on the night of arrest indicated three locations where the single camera was used (and moved between locations).
- During work hours on 10 January 2022, a further full inspection of all bathrooms and showers on compound (including the chancery, HOM residence, public areas, service areas, and recreation areas) was completed.
- Inspections continue at regular and random intervals.

Supporting information

Questions on Notice

February Estimates: (17 February 2022)

- No QoN

Freedom of Information (FOI) Requests

- N/A

Recent Ministerial Comments

- N/A

Recent Media Reporting

Media Reporting of the incident 5 February includes the following (full articles below).

- *Ex-Australian embassy staff member charged by Thai police after cameras found in women's bathrooms in Bangkok mission* ABC 5 February 2022
- *Staffer at Australia's Thailand embassy charged over hidden bathroom cameras* The Sydney Morning Herald 6 February

Division: COO PPD	
PDR No: EC22-000298	
Prepared by: s 22(1)(a)(ii) Mob: s 22(1)(a)(ii) Ext: s 22(1)(a)(ii) Date: 8 February 2022	Cleared by Branch/Division Head: s 22(1)(a)(ii) Mob: s 22(1)(a)(ii) Ext: s 22(1)(a)(ii) Date: 15 February 2022
Consultation: Enter Div/Branch/Section. s 22(1)(a)(ii)	Date: 7 January 2022 M. s 22(1)(a)(ii) M. M.
Cleared by COO: Adrian Hudson Date: 15 February 2022	

Ex-Australian embassy staff member charged by Thai police after cameras found in women's bathrooms in Bangkok mission

Exclusive by ABC Investigations' [Elise Worthington](#) and South-East Asia correspondent [Mazoe Ford](#)



Bank Thamsongsana was arrested last month.*(Supplied)*

It is understood multiple cameras were discovered directed at women's showers and toilets after an SD card containing images of female staff was found on a bathroom floor last year.

A government employee with knowledge of the incident told the ABC employees at the embassy were shocked and shaken.

"Female staff, Thai and Australian, are very anxious," the person said.

"Some of the women don't feel safe to stay there. They feel compromised and threatened."

The government employee added that embassy staff wanted more support to "manage the serious psychological impacts of this matter, or even the possibility of serious security breaches".

It is not known how long the cameras had been in place or how much vision had been collected but it is understood dozens of Australian embassy staff are assisting the Thai police.

An officer from the Royal Thai Police, who is working on the investigation, told the ABC it was "a sensitive case" that "involved many people".

The officer said forensic investigators were currently looking through the evidence and female police would be interviewing the women affected.

Police confirmed a man had been charged with two offences under sections of the Thai criminal code which cover sexual and public nuisance offences.

The charges carry a maximum penalty of 10 years' jail or a 20,000 baht (\$850) fine.

The ABC has been told Mr Thamsongsana, a married man in his 30s, was released on bail after spending one night in custody.



Bank Thamsongsana worked as an IT systems manager at the embassy.(Supplied)

The Australian Federal Police and DFAT declined to comment on whether there would be any Australian government or law enforcement investigation into the incident.

'This is supposed to be a secure government building'

The Australian Embassy in Bangkok is one of Australia's largest diplomatic missions in the world.

Peter Jennings, executive director at the Australian Strategic Policy Institute, said the security breach was a matter of great concern.

"There's clearly been a failure here on a number of levels, all of which need to be reviewed," Mr Jennings said.



Peter Jennings says the Bangkok breach is likely to have prompted reviews of security at other Australian overseas posts. *(AAP: Mick Tsikas, file photo)*

"No staff member should expect to have to confront this type of appalling behaviour and I think it needs to be treated with utmost seriousness.

"There's also the added dimension beyond that, this is supposed to be a secure government building where classified work is undertaken."

"I would imagine as a result of this, both the Australian embassy in Bangkok and probably embassies worldwide have gone through reviews of their physical security."



The Australian embassy in Bangkok moved to a new building in 2017.(BVN)

The ABC asked DFAT if the Australian government was taking action to assess and improve security at its foreign posts but it did not provide those details.

A DFAT spokesperson said the department was unable to comment further as it was an ongoing legal matter.

"The welfare and privacy of all staff remains a priority for the department and we continue to provide appropriate support," the spokesperson said.

Bangkok - LES Matters

Handling Note: COO to lead on the investigation. COO to lead on security of missions.

Strategic Message

- On 6 January 2022, a Locally Engaged staff member from the Australian Embassy in Bangkok was arrested and charged with criminal offences.
- It is alleged that the staff member placed a hidden camera in the Australian Embassy's toilets and showers.
- This is a criminal matter, being investigated by Royal Thai Police with the assistance of the AFP's Division of Forensic Science. The department is cooperating fully.
- Embassy staff were provided with access to counselling services immediately after the arrest. This support is ongoing, with the Department's Principal Psychologist visiting in March.
- The safety and welfare of all staff serving at posts overseas is a top priority.
- We keep our security arrangements at all posts under close and constant review, adjusting security measures as required to manage risks.

Can you confirm that a staff member at the Australian Embassy in Bangkok has admitted to placing a hidden camera in showers and toilets in Embassy?

- A Locally Engaged Staff member was arrested and charged with an offence of that nature, by the Royal Thai Police on 6 January 2022.
- The staff member's employment was terminated the same day.
- The offence is a serious criminal matter in Thailand, and the Royal Thai Police are investigating. We will continue to cooperate closely with the Royal Thai Police.
- Our focus in this matter is now on the welfare and privacy of staff.

How long was the camera in place?

- The matter is the subject of a Royal Thai Police investigation with the full facts yet to be determined.

How did the camera get into the Embassy?

- The matter is the subject of a Royal Thai Police investigation with the full facts yet to be determined.
- Electronic equipment like phones, laptops and cameras are used within non-security sensitive areas only.
- There are robust physical and other security measures in place to protect more sensitive areas.

Has this incident compromised the security of the Embassy?

- No.

- . The area involved was not a security-sensitive area of the mission.
- . The department has reviewed relevant processes, and the security of the Embassy in Bangkok remains robust and appropriate.
- . Security arrangements at all posts are kept under close and very regular review, so we can adjust security measures to manage risks as needed.

What support has been provided to staff?

- . The department has provided professional in-country counselling and psychological support services to all staff, with counsellors available each Monday and Tuesday at Post.
- . Mental health and wellbeing training is being provided to managers to enable them to support staff.
- . Additional 24-hour support for staff and their immediate families is available through the department's Employee Assistance Program.
- . The department's principal psychologist travelled to Post from 8 to 23 March and provided counselling for DFAT and attached agency staff, and spouses. She held a number of meetings with DFAT and Defence staff and spouses during this time.
- . Earlier travel to the embassy was challenging with COVID restrictions.
- . The welfare and privacy of all staff remains a priority for the department.

What measures have been taken at the Bangkok Embassy in response to this incident?

- . This event was considered an isolated incident and did not affect the security-sensitive areas of the Embassy.
- . As part of our standard security processes and procedures, we undertake inspections regularly and at random intervals to look for any suspicious activity, items or damage.
- . But immediately following the incident coming to our attention, we carried out detailed physical inspections, including all toilets and showers to satisfy ourselves that appropriate security measures are in place.
- . Our specialist security advisers are working closely with post management to continue to provide security advice in response to the incident.

What measures have been taken at other Australian missions overseas?

- . The safety of all staff serving at posts overseas is our top priority.
- . We keep our security arrangements at all posts under close review and adjust security measures to manage risks as needed.
- . The department employs a layered and risk-based approach to security to identify, assess and manage security risks domestically and overseas.
- . Australian missions overseas are conducting enhanced inspections at regular intervals, supported by our network of Regional Security Officers.

- . In response to this incident, all of our missions are reviewing their Post Security Plans, induction briefing, and communications encouraging staff to report any suspicious activity or objects.

Do you have effective screening in place to ensure only individuals of appropriate character are employed at our embassies, did the individual have a security clearance?

- . As a matter of policy, the department does not publicly discuss the security clearances of its officers.
- . Australia, like many countries, employ local staff to perform certain functions at its missions overseas.
 - These staff may be expatriate Australian citizens or nationals of the host of country.
- . Locally Engaged Staff bring with them a wealth of knowledge and expertise about the host country and are highly valued by the department for their contribution to our advocacy overseas.
- . The engagement of Locally Engaged Staff and the responsibilities, systems and building access given to them, is commensurate with the assessed security risks
 - All Locally Engaged Staff undergo a minimum employment check as required by recruitment policy, local labour laws and the Australian Government Protective Security Policy Framework.

What was the motivation of the individual? Are you concerned about hostile intelligence or criminal links to the individual?

- . The matter is the subject of Royal Thai Police investigation with the full facts yet to be determined.
 - Important to note this incident did not affect any security-sensitive areas of the mission.

A large amount of information on the investigation has found its way into the media. Do the information disclosures pose a security risk to the department?

- . The department takes our responsibility to protect official information seriously.
- . We have policies and procedures in place to ensure the protection of information, as well as awareness campaigns and staff training to ensure staff are aware of their individual obligations.
- . Our focus is on the welfare and privacy of our staff.

Has this incident increased the Foreign Intelligence threat to your staff?

- . The Department operates in a challenging and evolving global security threat environment.
- . We keep our global security arrangements under close review to ensure we respond proactively to changes in the threat environment.
 - This work is informed by detailed threat and security risk assessments.

- . DFAT employs a layered and risk-based approach to security to identify, assess and manage security risks.
 - Including working closely with other agencies, such as ASIO, to actively manage the risk posed to our people, information, and assets from foreign intelligence services; and
 - Ensuring we support our staff by appropriately training them to recognise and manage the risks while serving overseas.
- . It is not appropriate to go into the detail of specific mitigation measures, but it is at the front of our minds and actions.
- . The matter is the subject of Royal Thai Police investigation with the full facts yet to be determined.

Background

- . On 4 August a memory card was found in the female toilets on level three of the Bangkok Embassy.
- . The memory card was initially treated as an item of lost property. After not being claimed, the memory card was reviewed by the Post Security Manager with no files found. Recovery software then identified eight photos of an empty toilet cubicle.
- . Following initial recovery of photos (5 September 2021), all chancery bathrooms/toilets were inspected, and some evidence (ceiling surface damage) was found in the level three female toilets to suggest the recovered photos were taken from this location.
- . Our Regional Security Officer (RSO) undertook a further full inspection of all chancery bathrooms/toilets after hours on 14 September 2021.
- . Regular random inspections of all toilets and bathrooms within the chancery continue including inspections of the level 3 female toilets during work hours by the female security manager.
- . Further investigation of the memory card by staff in Canberra recovered additional images and video files. One of the videos led to identification of the perpetrator.
- . On 6 January the Royal Thai Police arrested and detained a Locally Engaged Staff member on charges relating to the placement of a hidden camera in the toilets and showers of the Australian Embassy in Bangkok.
- . The staff member did not have a security clearance nor access to sensitive information. There was no information or indication that the LES officer posed a security threat.
- . Following the arrest, another physical inspection of all bathrooms and showers within the chancery was completed by the RSO (this occurred after hours).
- . The alleged perpetrator's statement to police on the night of arrest indicated three locations where the single camera was used (and moved between locations).
- . During work hours on 10 January 2022, a further full inspection of all bathrooms and showers on compound (including the chancery, HOM residence, public areas, service areas, and recreation areas) was completed.
- . Inspections continue at regular and random intervals.

Supporting information

Questions on Notice

February Estimates

- [In QoN SQ22-000024](#), Senator Kristina Keneally asked are you aware of whether the accused has written to some of the complainants and asked them to withdraw their complaints and offered them compensation to do so?
- [In QoN SQ22-000025](#), Senator Kristina Keneally asked when was the minister advised of the existence of these hidden cameras in the embassy?

Freedom of Information (FOI) Requests

None

Recent Ministerial Comments

No recent comments

Relevant Media Reporting

None identified

Division: COO PPD Performance Safety and Integrity Branch	
PDR No: SB22-000126	
Prepared by: s 22(1)(a)(ii) Mob: s 22(1)(a)(ii) Ext: s 22(1)(a)(ii) Date: 7 March 2022	Cleared by Branch/Division Head: Jo Talbot Mob: s 22(1)(a)(ii) Ext: s 22(1)(a)(ii) Date: 21 March 2022
Cleared by Deputy Secretary: Adrian Hudson Date: 22 March 2022	

Questions on notice referred to within the hot topic brief:[024 – Additional Estimates](#)[Topic: Bangkok LES](#)[Senator Kristina Keneally](#)

Question

1. Are you aware of whether the accused has written to some of the complainants and asked them to withdraw their complaints and offered them compensation to do so?

Answer

The department understands that the former employee has written to some staff at the Embassy. The Royal Thai Police has advised the Embassy that such actions were not prohibited under Thai law, and it was the prerogative of the former employee to write to his former colleagues, should he choose to do so.

025 – Additional EstimatesTopic: Bangkok LES – advice to MinisterSenator Kristina Keneally**Question**

1. When was the minister advised of the existence of these hidden cameras in the embassy?

Answer

The Minister of Foreign Affairs and Minister for Women, Senator the Hon Marise Payne, was notified of the matter on 6 January 2022.

RECEIVED
16/3/22



Australian Government
Department of Foreign Affairs and Trade

REF: EC22-000796

MINUTE

SECRETARY

SUBJECT: APPROVAL FOR INTERNATIONAL TRAVEL: MS KATRINA COOPER:
INDONESIA AND THAILAND - APRIL 2022

Critical Date: 22 MARCH 2022

Reason: To facilitate booking of flights, accommodation and allow arrangement of travel requirements and visit programs.

Recommendations:

1. That you **approve** my proposed international travel to Singapore, Indonesia and Thailand from 9-20 April to undertake meetings with Southeast Asia counterparts and the ASEAN Secretariat in my capacity as Australia's ASEAN Senior Official.

APPROVED / ~~NOT APPROVED~~

*Please deconflict with
Tosin before booking*

s 22(1)(a)(ii)

Secretary: /2022 *19 MAR*

Issues:

International Travel: 9-20 April 2022

1. This minute seeks your approval for me to travel to Singapore, Jakarta, Bali and Bangkok. s 22(1)(a)(ii)

5. In Bangkok, s 22(1)(a)(ii) I would also undertake a welfare check of the post and provide pastoral support following the incident with discovery of the camera in the Embassy's bathroom.

6. This trip would take place over the Easter long weekend. s 22(1)(a)(ii) I would travel to Bangkok on the Easter Monday.

7. Please note the Bangkok component is subject to possible travel the week commencing 18 April by Justin Hayhurst, Deputy Secretary Geostrategic Group. Should Justin's travel be confirmed I will return directly from Jakarta.

8. s 22(1)(a)(ii)

Background:

9. This expenditure will cover return flights from Canberra, transport, accommodation, and allowances as permissible under the DFAT Travel Policy. This is consistent with required policies and process, including the Public Governance Performance and Accountability Act 2013 (Section 23), DFAT's Financial Framework and DFAT's Procurement Policy as relevant. There are sufficient available funds, and is an efficient, effective, economical and ethical use of public resources.

Financial Implications:

10. Estimated travel costs **up to \$14,000** against cost code B0050. (Estimates: Airfares \$12,000, Accommodation \$1,500, Allowances, Incidentals and Transfers up to \$500).

Consultation:

11. SRD; SMD; HOMs Jakarta and Bangkok, Deputy Secretary GSG.
s 22(1)(a)(ii)

Summary of Attachments:

12. Not applicable.

Prepared by: Katrina Cooper
Deputy Secretary, Southeast Asia & Global Partners Group
Phone Number: 6261 9240
Date: March 2022

BANGKOK: LOCALLY ENGAGED STAFF (LES) ARREST

ISSUES

On 6 January 2022, a Locally Engaged Staff member from the Australian Embassy in Bangkok was arrested and charged with criminal offences.

ARREST OF LOCALLY ENGAGED STAFF MEMBER

- A Locally Engaged Staff member from the Australian Embassy in Bangkok was arrested and charged with criminal offences.
- The staff member admitted to placing hidden camera/s in the Australian Embassy's toilets and showers.
- This is a criminal matter being investigated by the Royal Thai Police.
- The AFP is providing digital forensics support.
- The Australian Government is cooperating fully with the investigation.
- As is standard practice for Locally Engaged Staff, the staff member did not have a security clearance nor access to sensitive information. There has been no information or indication that the staff member posed a security threat as they did not have access to sensitive information in their role.
- The staff member's employment has been terminated.
- No security-sensitive areas of the Embassy were impacted.
- Professional counselling services were immediately provided to staff. This support remains ongoing with DFAT's Principal Psychologist attending the Post in March.
- The welfare and privacy of all staff remains a priority for the department.

If Asked: What has been done to ensure the physical security of our Chancery in Bangkok?

- The item/s were found in common and not security-sensitive areas of the mission.
- Immediately following the incident coming to the attention of Post, a detailed physical inspection, including of all toilets and showers was undertaken.

- On 10 January 2022, a further full inspection of all bathrooms and showers on compound (including the chancery, HOM residence, public areas, service areas, and recreation areas) was completed.
- Inspections continue at regular and random intervals.
- Relevant security processes have been reviewed in light of this incident, and the security of our mission in Bangkok remains robust and appropriate.
- We keep our security arrangements at all posts under close and constant review, adjusting security measures to manage risks as needed.

Background

On 4 August 2021, the Security Manager at the Australian Embassy in Bangkok was given a small memory card which was found in a female toilet cubicle on level three of the Chancery. Forensic analysis of the memory card revealed footage of concern.

On 6 January 2022 the Minister for Foreign Affairs and Minister for Women, Senator the Hon Marise Payne was notified of the matter.

On 6 January 2022, Mr Bank Thamsongsana, a dual Thai/Australian national who had been working at the Australian Embassy in Bangkok since 2013, was detained and charged by the Royal Thai Police. His employment was terminated on 7 January 2022, following his arrest and admissions.

A number of electronic devices were seized from Mr Thamsongsana's workspace at the Australian Embassy. It is unclear at this stage how many files exist on these devices. An AFP digital forensic expert will assist with accessing data on encrypted devices to assist Royal Thai Police with the investigation.

The department understands Mr Thamsongsana has written to some staff at the Embassy. The Royal Thai Police advised the Embassy that such actions were not prohibited under Thai law, and it was the prerogative of the Mr Thamsongsana to write to his former colleagues, should he choose to do so. We understand Mr Thamsongsana has now stopped these communications.

The Australian Ambassador to Bangkok is providing staff at Post with regular updates as information becomes available.

Media reporting of the arrest and charges 5-6 February includes:

- *Ex-Australian embassy staff member charged by Thai police after cameras found in women's bathrooms in Bangkok mission*, ABC, 5 February
- *Staffer charged over spy cameras*, The Sydney Morning Herald, 6 February

Questions on notice taken during Senate Estimats on 16 February 2022

024 – Additional Estimates
Topic: Bangkok LES
Senator Kristina Keneally

Question

1. Are you aware of whether the accused has written to some of the complainants and asked them to withdraw their complaints and offered them compensation to do so?

Answer

It would not be appropriate for the department to comment as the matter is the subject of an ongoing police investigation.

025 – Additional Estimates
Topic: Bangkok LES – advice to the Minister
Senator Kristina Keneally

Question

1. When was the Minister advised of the existence of these hidden cameras in the Embassy?

Answer

The Minister of Foreign Affairs and Minister for Women, Senator the Hon Marise Payne, was notified of the matter on 6 January 2022.

Senate Standing Committees on Foreign Affairs, Defence and Trade

Additional Estimates 2021 - 2022

QUESTION ON NOTICE / Spoken

025 – Additional Estimates

Page: 46

Topic: Bangkok LES - advice to Minister

Senator Kristina Keneally

Question

Senator KENEALLY: Yes. When was the minister advised of the existence of these hidden cameras in the embassy?

Mr Hudson: I don't have those specific dates with me, so I'll have to take that on notice.

Answer

The Minister for Foreign Affairs and Minister for Women, Senator the Hon Marise Payne, was notified of the matter on 6 January 2022.

From: s 22(1)(a)(ii) @dfat.gov.au>
Sent: Thursday, 6 January 2022 10:22 PM
To: Jo Talbot <Jo.Talbot@dfat.gov.au>; Benedict David <Benedict.David@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>
Cc: s 22(1)(a)(ii) @dfat.gov.au>; Kathryn Campbell <Kathryn.Campbell@dfat.gov.au>; Ewen McDonald <Ewen.McDonald@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; Ben Milton <Ben.Milton@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; Chris Cannan <Chris.Cannan@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>
Subject: Re: LES Alleged Criminal Offence - Bangkok[SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Thanks, just so we are not doubling up, I brought this to the Minister's attention this morning. The Minister was comfortable with the acting Minister handling, and was appalled by the alleged behaviour.

As discussed with ^{s 22(1)(a)(ii)}, we require the necessary documentation to put to the Acting Minister, unless DFAT advises that only the Foreign Minister (not acting Foreign Minister) can give the waiver, in which case I can re-prosecute this with the Minister.

OFFICIAL: Sensitive

From: "Jo Talbot" <Jo.Talbot@dfat.gov.au>

Date: Thursday, 6 January 2022 at 9:26:53 pm

To: "Benedict David" <Benedict.David@dfat.gov.au>

Cc: ^{s 22(1)(a)(ii)} <@dfat.gov.au>, ^{s 22(1)(a)(ii)} <@dfat.gov.au>, ^{s 22(1)(a)(ii)} <@dfat.gov.au>, ^{s 22(1)(a)(ii)} <@dfat.gov.au>

"Kathryn Campbell" <Kathryn.Campbell@dfat.gov.au>, "Ewen McDonald"

<Ewen.McDonald@dfat.gov.au>, ^{s 22(1)(a)(ii)} <@dfat.gov.au>, "Ben Milton"

<Ben.Milton@dfat.gov.au>, ^{s 22(1)(a)(ii)} <@dfat.gov.au>, "Chris Cannan"

<Chris.Cannan@dfat.gov.au>, ^{s 22(1)(a)(ii)} <@dfat.gov.au>

Subject: LES Alleged Criminal Offence - Bangkok [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Ben

Further to our discussion earlier this evening, this note serves as advice from the department this evening from HOM Bangkok Allan McKinnon, where a locally engaged staff member is alleged to have secreted a camera in the Chancery bathroom of Embassy staff. This is a criminal offence in Thailand and has been reported to the Royal Thai Police, after advice from the department on the appropriate approach.

I ask that you note the following update:

Note: that HOM Bangkok advised this afternoon that, at the request of the Thai police, post will invite the police into the Chancery under close supervision of A-based staff to conduct a search of the LES employee's work station and a forensic investigation in the bathroom in which the camera was located. Local police also expect to arrest the LES in question this evening.

Note: HOM assesses that on the basis of the expected law enforcement activity it is likely that the matter may soon become public. Talking points are being drafted.

Note: the department is preparing a submission to the Foreign Minister seeking a limited waiver of diplomatic immunity to enable post to provide evidence to support a criminal investigation and any prosecution of the locally-engaged employee in question. The precise terms of the

waiver will depend on the evidence required by the local authorities, an assessment as to the department's (clear) interests in supporting justice, and any security or other risks.

Background

1. On 4 August 2021 the Security Manager at the Australian Embassy in Bangkok (Post), was given a small memory card which was found in a female toilet cubicle on level three of the Chancery. Forensic analysis of the memory card recovered 10 videos, including footage of a locally-engaged staff member installing the camera in the bathroom and returning to verify its functionality. The staff member's identity has been confirmed as, Bank Thamsongsana, a dual Australian-Thai national, employed at the Embassy since 2013.
2. s 42(1)
3. This engages various Articles of the *Vienna Convention on Diplomatic Relations* (VCDR). s 42(1)
4. While the Vienna Convention on Diplomatic Relations provides the post with privileges and immunities from the local legal jurisdiction, those protections may be waived by the 'sending State' (ie Australia). Under Australian practice, such a decision is for the Minister for Foreign Affairs. The VCDR also provides that notwithstanding diplomatic immunity, a Head of Mission may invite local law enforcement authorities onto diplomatic premises (where it is necessary and appropriate to do so). In such circumstances it is Australian practice to make clear to the local authorities that this would not constitute a waiver of diplomatic immunity.
5. Today (6 January) the Post advised the department that Royal Thai Police will enter the Chancery this evening to undertake an examination of the LES' desk and the bathroom where the camera was discovered.
6. I will update you on progress as it comes to hand.

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