

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO

**Program: 1.7**

**Question No. AE16/039**

**Senator Ludlam asked the following question at the hearing on 9 February 2016:**

Senator LUDLAM: It is about the tabling of MoUs between, in this instance, the AFP and their counterparts in other countries where we are providing material support or training capacity building. I sought a copy of the MoU that has been signed between the AFP and the Sri Lanka Police Service. Is it formal government policy that such documents would never be tabled? Why would it not be possible for Australian taxpayers to see that?

Senator Brandis: I do not immediately know the answer to that question, so I will take it on notice.

Senator LUDLAM: It is worth asking then. If you are able to take that on notice, I am interested in the specifics but also in the general government policy. In answer—

Senator Brandis: Obviously, I would have to acquaint myself with the document to which you refer to seek advice as to whether it is the kind of document that might be tabled.

**The answer to the honourable senator's question is as follows:**

An MOU is an instrument of less-than-treaty status. It is not binding under international law and is not subject to Australia's domestic treaty-making requirements. In particular, there is no requirement that MOUs be tabled in Parliament. As a general principle, MOUs are considered confidential to the parties.