

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

**Group 3**

**Program 1.6**

**Question No. 15**

**Senator Hanson-Young asked the following question at the hearing on 23 May 2012:**

**Senator BRANDIS:** You seem to be familiar with this, Mr Anderson, which is a good start. Can you tell us what you know about those discussions. When was the most recent, for example?

**Mr I Anderson:** The most recent discussion of which I am aware is that a charge d'affaires at the Australian Embassy in Jakarta formally advised a senior official from the Ministry of Law and Human Rights in Jakarta—on Thursday evening, I believe, but I am not sure if that is Australian time or Indonesian time—that three of their nationals would be released the following day from prison in Australia.

**Senator BRANDIS:** Well, you do know about this, even though you yourself are not one of the participants. How do you know? Is it because you have been advised by the Department of Foreign Affairs and Trade?

**Mr I Anderson:** My staff, at my direction, advised the Department of Foreign Affairs and Trade that those crew were being released the following day. We asked them to convey that information to the Indonesian government.

**Senator BRANDIS:** Describe to me how this works. The conversation with the Indonesian authorities is a conversation that occurs between a DFAT officer and his Indonesian opposite number. But you are made aware of that conversation and the conversation concerns matters within the jurisdiction of the Attorney-General's Department. Is that how it works?

**Mr I Anderson:** We asked DFAT to have that discussion to formally advise the Indonesian government simply of the release of three of their nationals, because they have the appropriate person in Jakarta to advise the appropriate counterpart.

**Senator BRANDIS:** What were your instructions to the charge d'affaires?

**Mr I Anderson:** I do not have that detail, but it was to the effect of—

**Senator BRANDIS:** Did you give the instructions?

**Mr I Anderson:** I gave the instruction to my staff to convey to foreign affairs.

**Senator BRANDIS:** What was the instruction?

**Mr I Anderson:** The instruction was to advise them of the release of three specified Indonesian nationals. I think there were also the details for their return to Indonesia, in terms of the date and time at which they would be returned to Indonesia. It was a very short communication.

**Senator BRANDIS:** And you received a report from the charge d'affaires about that conversation?

**Mr I Anderson:** We received advice from DFAT that the conversation had happened.

**Senator BRANDIS:** Was that documentary advice or a telephone call, or both?

**Mr I Anderson:** I believe we received an email confirming that.

**Senator BRANDIS:** Can you produce that for us.

**Mr I Anderson:** I will take that on notice. I do not have it here.

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**Senator BRANDIS:** I should have asked you, Mr Anderson—and you may need to take this on notice—the name of the Indonesian official with whom the charge d'affaires had the communication.

**Mr I Anderson:** I will take that on notice.

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

The Department of Foreign Affairs and Trade (DFAT) has provided advice that an email was sent to Attorney-General's Department officials in Canberra from a senior DFAT employee at the Embassy in Jakarta on the evening of 16 May 2012. The email advised that the Indonesian Director of Consular Affairs and the Director of East Asia and the Pacific in the Ministry of Foreign Affairs (Kemlu) had been notified about the release of the convicted crew and the timing of the removals.