

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

Group: 2

Program 1.1

Question No. SBE14/049

Senator Collins asked the following question at the hearing on 20 November 2014:

Senator JACINTA COLLINS: Moving on to the Attorney-General's response to a question on notice No. 785, which I asked on 27 August this year, in relation to Timor Leste concerning litigation in the International Court of Justice in the Hague over the dispute with Timor Leste regarding documents seized in the ASIO raids of 3 December. Question 1 was: what was the cost of retaining the following people to represent Australia in these proceedings, firstly, with respect to Australian lawyers and, secondly, with respect to overseas lawyers? I am aware that there is an AusTender reference CN1955312, in the amount of \$370,550. Would that be with respect to the overseas lawyers?

Mr Moraitis: Sorry, Senator. You were not referring to a figure in the answer to the question on notice; you were referring to another source.

Senator JACINTA COLLINS: I am referring to the AusTender information and I am asking—

Senator Brandis: Sorry, Senator. If you are going to refer to another document—you referred to an answer to a question, and we have that—can you table the other document to which you are referring, please.

Senator JACINTA COLLINS: I can table you a copy of it. I have given the AusTender reference, but if that is not immediately—

Senator Brandis: The reference means nothing to us unless we can actually see the document. If you are going to be asking questions about a document, let us see the document.

Senator JACINTA COLLINS: I think we have gone to table. You can provide just that one copy; that is fine.

Senator Brandis: No, we would like copies at the table, please.

Senator JACINTA COLLINS: You want multitudes? Okay.

Senator Brandis: In fact, strictly speaking—and this is a practice I have always observed—if you want to rely on a document, you should bring to the chamber, or to the committee room, sufficient copies both for the witnesses at the table and for other members of the committee so everyone can follow the line of questions.

Senator JACINTA COLLINS: Yes, and I understand that, Senator Brandis, but I recall that perhaps your behaviour has not been as pure as you are suggesting.

Senator Brandis: I have only tabled two documents today, Senator, and I have observed that practice—

Senator JACINTA COLLINS: No, I am not talking about today; I am talking about historically speaking.

Senator Brandis: on both occasions and it is has been my almost invariable practice.

Senator JACINTA COLLINS: Your recollection of history is a bit different to mine, but anyway.

CHAIR: What document are you talking about?

Senator JACINTA COLLINS: The AusTender reference which they have taken to copy.

Senator Brandis: That is the point, Senator Macdonald: it really is untidy and wasteful of the committee's time to refer to documents that nobody has before them and then delay things while the officials have to do the work that could have been done by the senator.

Senator JACINTA COLLINS: No, I do not need to delay things, because I can move on to my questions while that occurs.

CHAIR: Yes, let us have the question.

Senator JACINTA COLLINS: Sorry, Mr Moraitis is attempting to respond.

Mr Moraitis: Senator Collins, the official is not here, but I am happy to take on notice the reference and, hopefully, in the time we have this evening, I might—

Senator JACINTA COLLINS: Yes, it is just coming now. But, as I said, I was happy to move on to the other questions on notice while that occurred.

Mr Moraitis: We will take it on notice, then.

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

AusTender reference CN1955312 does not relate to the International Court of Justice case nor costs associated with legal counsel. The payment (which was for the amount of \$307,550 rather than \$370,550) relates to the Arbitration between Australia and Timor-Leste and constituted a deposit lodged with the Permanent Court of Arbitration to cover the fees and expenses of the Arbitral Tribunal convened to hear the matter.