



Australian Government
Department of Foreign Affairs and Trade

14 March 2006

Dr Kathleen Dermody
Secretary
Senate Legislation Committee on Foreign Affairs,
Defence and Trade
Parliament House
CANBERRA ACT 2600

Dear Dr Dermody

I write to correct and clarify evidence I gave to the Senate Legislation Committee supplementary budget estimates hearing on 16 February 2006 concerning the Van Nguyen consular case.

In answer to a series of questions from Senator Hogg and Senator Steve Hutchins (pages FAD&T 94 and 95 of *Proof Hansard* 16 February 2006), I stated my understanding that lawyers employed in the office of the Australian Government Solicitor (AGS) as well as the Attorney-General's Department and the Department of Foreign Affairs and Trade were involved in consideration of the legal issues which arose in that case. I indicated I would check this question and correct the record if my understanding was not correct. I have since been advised that AGS were not involved. Advice in this matter was provided by senior lawyers employed by DFAT and the Attorney-General's Department. In addition, as I stated during the estimates hearing, advice was received from international law expert Professor James Crawford that there was no basis on which to take the case to the International Court of Justice.

Yours sincerely

Rod Smith
First Assistant Secretary
Public Diplomacy Consular and Passports Division