

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

Program 1.1

Question No. 58

Senator Birmingham asked the following question at the hearing on 22 February 2011:

What funds have been budgeted for International Court of Justice (ICJ) proceedings against Japan? What estimate does the Attorney-General's Department have regarding the length of time before this matter is heard and/or resolved? Would it be possible to seek an injunction to stop whaling activities?

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

Part A: Budgeted funds

The budget for the current financial year is \$5.184 million, to be divided between the Attorney-General's Department (\$3.142 million); the Department of Foreign Affairs and Trade (\$1.164 million); and the Department of Sustainability, Environment, Water, Population and Communities (\$878,000). The budgets for the ensuing three financial years are as follows: \$4.937 million for the 2011-2012 financial year; \$4.647 million for the 2012-2013 financial year; and \$5.682 million for the 2013-2014 financial year.

Part B: Timeframe for the matter

On 13 July 2010, the ICJ ordered Australia to file its submission (Memorial) by 9 May 2011 and Japan to file its submission (Counter-Memorial) by 9 March 2012. There may also be other steps in the case, including a further round of pleadings (a Reply and Rejoinder) and lodgement of preliminary objections by Japan. These steps would lengthen the case.

An oral hearing of the merits of the case will take place at the Court in The Hague. It will be a number of years before the Court delivers its final judgment. This timeframe is typical of proceedings before the Court.

Part C: Injunction

Australia, in pursuing the case, is seeking to achieve a permanent end to Japan's so-called 'scientific' whaling in the Southern Ocean. Revealing the legal approach, tactics and strategy to be adopted in the course of the case would not be conducive to achieving that outcome – this includes any matters relating to provisional measures.