

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.1

Question No. 48

Senator Ludwig asked the following question at the hearing on 24 May 2006:

In relation to the AWB and India's request for mutual assistance when did the Attorney-General receive the letter rogatory from India relating to a request for mutual assistance and what occurred as a result of the request?

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

The Department's records show that the Department received the letter rogatory from India relating to the request for mutual assistance on 24 April 2002.

The Attorney-General has made a number of public comments on the assistance Australia provided to India in response to its mutual assistance request. A summary of these comments is set out below. The Department does not propose to comment further.

After receiving India's request, the Australian Government took all possible steps under the *Mutual Assistance in Criminal Matters Act 1987* and informed the Indian Government of its actions.

The Department asked the Australian Federal Police (AFP) to assist in responding to the request for assistance by obtaining witness statement and documents on a voluntary basis. The Department wrote to India asking them to provide more information for the AFP to be able to investigate further using coercive powers. India did not respond.

The Department wrote again to the Indian Government saying that if it wanted Australia to use search warrants or compel witnesses to give statements, it would need to provide further information. India did not respond. As the matter was not pursued by the Indian government and the allegations concerned Indian officials, there was no evidence to warrant a domestic investigation.