



Australian Government
Department of Defence
Defence Support Group

Head Defence Legal
CP2-4-044
PO Box 7911
CANBERRA BC ACT 2610
Tel: (02) 6266 4143
Fax: (02) 6266 3093

HDL/OUT/2011/97499

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



Dear Dr Dermody

I write to correct and clarify evidence that I gave at the Budget Estimates hearing held on 30 May 2011.

I refer to my response to Senator McDonald on page 77 of the Hansard which followed earlier questions from Senator Johnston. The questions had referred to an affidavit from a Mr Coutts-Trotter. I should draw to the attention of the Committee that further review indicates that there was not in fact an affidavit in this matter from Mr Coutts-Trotter, but rather an affidavit from an Australian Government Solicitor (AGS) lawyer which referred to comments apparently provided by Mr Coutts-Trotter to the AGS lawyer. The purpose of the affidavit was to seek an order for the production of documents.

Separately, at page 105 of the Hansard, Senator Trood asked me about the provision of external legal advice in relation to the proposed Chapter III military court. My response focused on the contribution of the Solicitor-General, but for the record I should note that extensive legal advice has also been provided by the AGS in relation to these matters throughout.

I apologise for any misunderstanding that may have arisen.

Yours sincerely

Mark Cunliffe PS
Head Defence Legal

28 June 2011