

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 40

Senator Wright asked the following question at the hearing on 16 October 2012:

Senator WRIGHT: At what time was the evidence you referred to filed by Mr Hicks's legal representatives? When was that filed?

Mr Jolliffe: We had been put on notice of the nature of the challenge in the voir dire, but from memory—and I could take this on notice, if you like, to give you more detail—is that we were provided with initially unsigned documents between January and July 2012.

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

On 20 October 2011 the Supreme Court ordered that:

1. The defendants file and serve all affidavits or other documents upon which they intend to rely in any voir dire on admissibility, by 4pm on Friday 2 December 2011.
2. The plaintiff is to file and serve all affidavits or other documents upon which the plaintiff intends to rely in the voir dire, by 4pm on Thursday 9 February 2012.
3. The matter is listed for further directions before his Honour, Justice Garling at 9.30 am on Thursday 16 February 2012.
4. Both parties are given leave to restore the matter with 24 hours' notice.

On 8 December 2011, orders were made in Chambers that:

1. The time for the defendants to file and serve all affidavits or other documents upon which they intend to rely in any voir dire on admissibility, be extended to 23 January 2012.
2. The plaintiff is to file and serve all affidavits or other documents upon which the plaintiff intends to rely in the voir dire, by 3 April 2012.
3. Matter listed for further directions on 5 April 2012.

The CDPP received evidence from Mr Hicks' legal representatives on:

- 23 and 24 January 2012
- 2 July 2012, and
- 17 July 2012.

Of the evidence received by the CDPP from Mr Hicks' legal representatives, one affidavit had been filed and was stamped 23 January 2012. The CDPP is aware further evidence was provided directly to the Supreme Court.