

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

Program: 1.1 AGD Operating Expenses - Civil Justice and Legal Services

Question No. SBE16/116

Senator Watt asked the following question at the hearing on 12 December 2016:

Senator WATT: Did you receive a briefing from your office or your department around 28 January on the question of whether the Commonwealth should intervene in those proceedings?

Senator Brandis: I personally—well, I would have to check.

Senator WATT: Because again, you have told the Senate that your first personal involvement in this matter was 3 March 2016.

Senator Brandis: Well, as I say, I will check. But what I said—

Senator WATT: Does that mean you may have been involved in this before 3 March?

...

Senator WATT: If your department briefs your office about the question of intervention in High Court proceedings—

CHAIR: Is this hypothetical?

Senator WATT: No, I am asking in a general sense about the usual procedure. I would have thought that they were important matters—

CHAIR: Well, we are not interested in what you thought. What is the question?

Senator WATT: I would have thought that was an important matter to be raised with the Attorney—deciding whether to intervene in High Court litigation or not. Is the usual practice, Attorney, that you personally would be consulted either by your office or your department about that question?

Senator Brandis: The usual practice is that the Attorney-General makes the decision, and the time at which the decision is made and the time at which, in the ordinary course of events, it comes to my notice is within the time limited by the High Court in the directions it gives us for the conduct of the matter.

Senator WATT: Did you speak to your department prior to 3 March about potentially intervening in this High Court matter?

Senator Brandis: I will take that on notice.

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

No.