

# **Appendix**

## **Response by Father Frank Brennan SJ AO**

**Pursuant to Resolution 5(7)(b) of the Senate of 25 February 1988**

**Reply to statement by Senator the Hon George Brandis**

**(4 December 2013)**

I claim to have been misrepresented and wronged by Senator the Hon George Brandis QC. I ask that this matter be referred to the Senate Privileges Committee.

Senator the Hon George Brandis QC told the Senate (Hansard 4/12, p.44) in a Ministerial Statement on National Security that on the evening of 3 December 2013 “rather wild and injudicious claims were made ...disappointingly, by Father Frank Brennan, that the purpose for which the search warrants were issued was to somehow impede or subvert the arbitration”.

I am Fr Frank Brennan SJ AO, professor of law at the Australian Catholic University, and adjunct professor at the Australian National University.

Attached please find the transcript of my interview on the ABC 7.30 program on 3 December 2013, and an article from *The Guardian* dated 3 December 2013 entitled “Timor-Leste spy case: ‘witness held, and lawyer's office raided by ASIO’” which formed the only basis for Senator Brandis’s adverse remarks about me.

On the evening of 3 December 2013, I did not claim “that the purpose for which the search warrants were issued was to somehow impede or subvert the arbitration”. I did not imply this in what I said. No reasonable listener would infer this from what I said. I do concede that many listeners being acquainted with the fact that raids had occurred and with the timing of the raids might have made presumptions about the likely effect of the raids on any pending arbitration. Some might even have speculated about the purpose of those who instituted the raids. But I made no claims about the intent to impede or subvert any arbitration. A statement of fact that raids had occurred and that arbitration was pending could not be classified as a “wild and injudicious claim” unless of course the raids did not occur or the arbitration was not pending. Senator Brandis admits that the raids occurred and that the arbitration was pending.

The assertion by Senator Brandis, garnished with a loose characterisation of my remarks as “rather wild and injudicious claims”, may reflect adversely on my character and standing as a professor of law, Catholic priest, and public advocate for social justice who studiously and professionally avoids making wild and injudicious claims.

I seek the right of reply. I claim to have been misrepresented by Senator Brandis. I have had the opportunity for a frank and amicable discussion with the Senator and I am satisfied that he had absolutely no intention of impugning my character. We have known each other for decades and we are well used to robust, respectful public discussion.

Please be assured my availability to assist the Committee in any way possible. I look forward to a prompt resolution of this matter.