

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates Hearing May 2015

Prime Minister and Cabinet Portfolio

Department/Agency:	Office of the Inspector-General of Intelligence and Security
Outcome/Program:	Outcome 1
Topic:	Orders made by the International Court of Justice on 3 May 2014
Senator:	Xenophon
Question reference number:	1
Type of question:	FPA, Monday 25 May 2015, page 112
Date set by the committee for the return of answer:	10 July 2015
Number of pages:	1
Question:	

I am not trying to cause you discomfort. Would you be able to confirm the second part of that order – that is, the court’s provisional measure (3), agreed to by 15 votes to one, which I read in part – and could you indicate, on notice, what the contents of that are.

Answer:

OIGIS has consulted the Attorney-General’s Department who has responsibility for this matter. The Attorney-General’s Department has advised:

On 3 March 2014 the International Court of Justice indicated its Orders on Timor-Leste’s application for Provisional Measures in the matter of *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v Australia)*. Those Orders included an Order that:

“Australia shall not interfere in any way in communications between Timor-Leste and its legal advisers in connection with the pending Arbitration under the *Timor Sea Treaty of 20 May 2002* between Timor-Leste and Australia, with any future bilateral negotiations concerning maritime delimitation, or with any other related procedure between the two states, including the present case before the Court.”

Australia complied with that Order. With the unconditional discontinuance of the matter by the Court on 11 June 2015, that Order is no longer in force. In any event, the Order was an extension of various undertakings provided by the Attorney-General to the International Court of Justice on 21 January 2014.