

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES 2017

Attorney General's Department

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

Question No. BE17-013

Senator Waters asked the following question on 24 May 2017:

Senator WATERS: I have some questions about your intervention in the Wangan and Jagalingou Federal Court case concerning the Adani mine and the ILUA—the Indigenous land use agreement—

Senator Brandis: I think I know what you are talking about. Bear with me for one second. Is that the Kemppi case?

Senator WATERS: No, it is the one taken by Adrian Burragubba for the Wangan and Jagalingou people, which you intervened in. I cannot recall the date; I was going to ask you what the precise date was. It was in the last few weeks, though.

Senator Brandis: They may be linked proceedings, but the case in which I intervened was a case called Delia Kemppi v Adani Mining. As I say, maybe we are talking about the same case and the proceedings were linked.

Senator WATERS: I am not aware of the name Kemppi.

Senator Brandis: It is on file number QUD194/2017.

Senator WATERS: Okay, the intervention to which I am referring is whereby you sought for the court to delay making their decision until such time as you attempted to have the Native Title Amendment (Indigenous Land Use Agreement) Bill passed through the parliament. Are we talking about the same case?

Senator Brandis: Yes, it is.

Senator WATERS: At what time did you make the decision to intervene? At what date?

Senator Brandis: Before the intervention application was filed, obviously. It was filed on 17 May.

Senator WATERS: The 17th of—

Senator Brandis: May.

Senator WATERS: And when did you decide to take the intervention?

Senator Brandis: Before then—I am not quite sure on what day. I would have to take that on notice.

The response to the honourable Senator's question is as follows:

The Department received instructions from the Attorney-General to intervene in the matter of *Kemppi & Ors v Adani & Ors* (QUD194/2017) on 16 May 2017.