

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

Program 1.1

Question No. 20

Senator Brandis asked the following question at the hearing on 24 May 2010:

By what process involving meetings and discussions was the military court decision ultimately arrived at? Please state the dates of meetings (including any meetings with representatives from the Federal Magistrates Court, the Family Court, the Federal Court, and the Department of Defence) and provide any copies of the minutes (with inappropriate material redacted) from these meetings, as well as names of persons present on behalf of each of the agencies.

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

As with any other policy development process, the Department provided advice in the form of submissions and briefings to the Attorney-General in relation to possible options for the hearing of serious service offences after the High Court's decision in *Lane v Morrison*. This advice was also considered by the Government.

During this process, the Attorney-General's Department worked very closely with the Department of Defence. A large number of meetings and telephone discussions took place between Ministers' staff and various other Departmental officers and stakeholders. The decision was one of Cabinet.