



ATTORNEY-GENERAL

CANBERRA

International Court of Justice

Timor-Leste v. Australia

**Written undertaking by Senator the Hon George Brandis QC,
Attorney-General of the Commonwealth of Australia**

WHEREAS

- A. I am the Attorney-General of the Commonwealth of Australia, having responsibility, *inter alia*, for the administration of the *Australian Security Intelligence Organisation Act 1979* and for the conduct of these proceedings; and
- B. I am aware that the Australian Security Intelligence Organisation ('ASIO') executed a warrant at premises occupied by the law firm of Mr Bernard Collaery and that in execution of that warrant, certain material ('the Material') was taken into possession by ASIO; and
- C. On 19 December 2013, I made a written undertaking to an Arbitral Tribunal constituted under the 2002 Timor Sea Treaty relating to restrictions on the use of the Material; and
- D. On 20 January 2014, the Government of Timor-Leste raised before the International Court of Justice ('the Court') concerns relating to the use of the Material in contexts unrelated to the arbitration.

I DECLARE to the Court that:

1. I have not become aware or sought to inform myself of the content of the Material or any information derived from the Material; and
2. I am not aware of any circumstance which would make it necessary for me to inform myself of the content of the Material or any information derived from the Material; and
3. I have given a Direction to ASIO that the content of the Material and any information derived from the Material, is not under any circumstances to be communicated to any person for any purpose other than national security purposes (which include potential law enforcement referrals and prosecutions) until final judgment in this proceeding or until further or earlier order from the Court.

I UNDERTAKE to the Court that until final judgment in this proceeding or until further or earlier order of the Court:

1. I will not make myself aware or otherwise seek to inform myself of the content of the Material or any information derived from the Material; and
2. Should I become aware of any circumstance which would make it necessary for me to inform myself of the Material, I will first bring that fact to the attention of the Court, at which time further undertakings will be offered; and
3. The Material will not be used by any part of the Australian Government for any purpose other than national security purposes (which include potential law enforcement referrals and prosecutions); and
4. Without limiting the above, the Material, or any information derived from the material, will not be made available to any part of the Australian Government for any purpose relating to the exploitation of resources in the Timor Sea or related negotiations, or relating to the conduct of:
 - (a) these proceedings; and
 - (b) the proceedings in the Arbitral Tribunal referred to in Recital C.



(Senator the Hon George Brandis QC)

21 January 2014