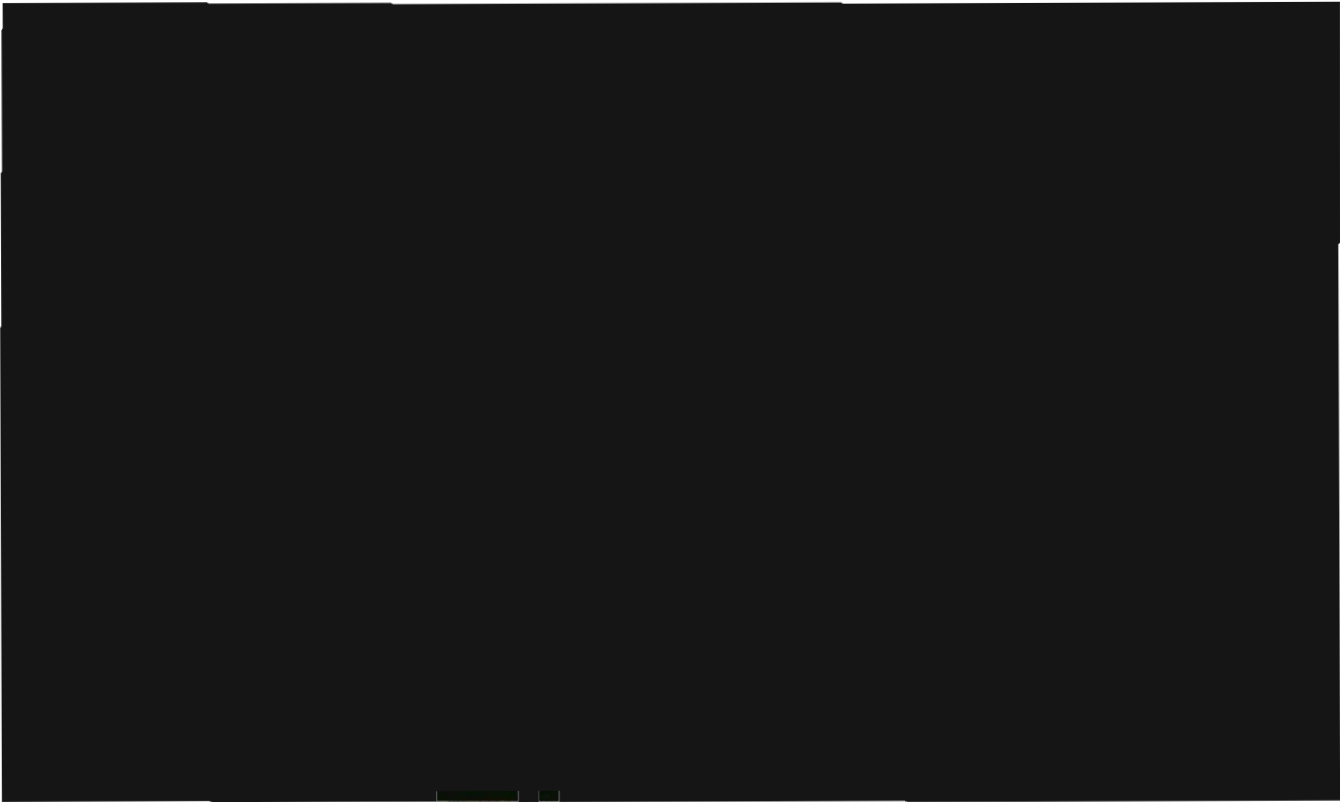


S33(a)(iii), S33(b)



[Redacted] Senior Consultant S47F(1)  
**Jackson McDonald**  
140 St Georges Terrace, Perth

[Redacted] S47F(1)  
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[Redacted] S47F(1)  
Partner  
**Jackson McDonald**

[Redacted] S47F(1)  
[www.jacmac.com.au](http://www.jacmac.com.au)

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Jackson McDonald

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**Mason, Timothy**

---

**From:** Ng, Phillip  
**Sent:** Wednesday, 26 October 2011 10:43 AM  
**To:** 'Hillman, Stephanie'  
**Cc:** Reid, John  
**Subject:** RE: Talking point - Sri Lankan President Rajapaksa [SEC=UNCLASSIFIED]

**Security Classification:**  
UNCLASSIFIED

**UNCLASSIFIED**

Dear Steph

Thanks for your email.

Please see revised talking points below:

- **Australia takes seriously its responsibilities to protect the dignity of foreign Heads of State.**
- **Proceedings for the offences in question cannot be commenced without the Attorney-General's consent. The Attorney-General has refused to grant this consent, as continuation of the proceedings would be in breach of domestic law and Australia's obligations under international law.**

I will keep you updated. If you have any questions please let me know.

Kind regards

Phillip Ng  
Legal Officer  
Office of International Law  
Attorney-General's Department

Tel + 61 2 6141 3254 | Fax + 61 2 6141 3486  
[Phillip.Ng@ag.gov.au](mailto:Phillip.Ng@ag.gov.au) | [www.ag.gov.au](http://www.ag.gov.au)

**From:** Hillman, Stephanie [mailto:Stephanie.Hillman@pmc.gov.au]  
**Sent:** Wednesday, 26 October 2011 10:10 AM  
**To:** Ng, Phillip  
**Subject:** RE: Talking point - Sri Lankan President Rajapaksa [SEC=UNCLASSIFIED]

Thanks Phillip. Please let me know as and when any changes need to be made to the point below (or any other developments).

Regards  
Steph

**From:** Ng, Phillip [mailto:Phillip.Ng@ag.gov.au]  
**Sent:** Tuesday, 25 October 2011 5:27 PM  
**To:** Hillman, Stephanie  
**Cc:** Reid, John  
**Subject:** Talking point - Sri Lankan President Rajapaksa [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Dear Stephanie

Thank you for your call earlier today.

As discussed, please see a single talking point below:

- **Australia takes seriously its responsibilities to protect the dignity of foreign Heads of State. Proceedings for the offences in question cannot be commenced without the Attorney-General's consent, and may only be prosecuted in the name of the Attorney-General.**

It is likely that this talking point will need to be revised following developments later today, as the Attorney-General's consent has now been sought.

If you wish to discuss please telephone me on 6141 3254 or John Reid on 6141 3554.

Kind regards

**Phillip Ng**  
Legal Officer  
Office of International Law  
Attorney-General's Department

Tel + 61 2 6141 3254 | Fax + 61 2 6141 3486  
[Phillip.Ng@aq.gov.au](mailto:Phillip.Ng@aq.gov.au) | [www.aq.gov.au](http://www.aq.gov.au)

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**Mason, Timothy**

---

**From:** Cranston, Jeff [Jeff.Cranston@ags.gov.au]  
**Sent:** Wednesday, 26 October 2011 10:50 AM  
**To:** Reid, John  
**Cc:** Daley, Simon (AGS); Campbell, Bill; Ng, Phillip  
**Subject:** RE: Prosecution in the Magistrates' Court of Victoria against President of Sri Lanka [SEC=UNCLASSIFIED]

John

S42(1)




Kind regards,

---

**Jeff Cranston**

Senior Executive Lawyer

Australian Government Solicitor

T: 03 9242 1367 F: 03 9242 1496 M: 

[jeff.cranston@ags.gov.au](mailto:jeff.cranston@ags.gov.au)

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S47F(1)

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**From:** Reid, John [mailto:John.Reid@ag.gov.au]  
**Sent:** Wednesday, 26 October 2011 8:35 AM  
**To:** Cranston, Jeff  
**Cc:** Daley, Simon; Campbell, Bill (AGD); Ng, Phillip  
**Subject:** RE: Prosecution in the Magistrates' Court of Victoria against President of Sri Lanka [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Jeff,



Kind regards,  
John

S42(1)

---

**John Reid**

Assistant Secretary

International Law, Trade and Security Branch

Office of International Law

Attorney-General's Department

T: +61 2 6141 3554

F: +61 2 6141 4096

M: [REDACTED]

S47F(1)

E: [john.reid@ag.gov.au](mailto:john.reid@ag.gov.au)

**From:** Cranston, Jeff [mailto:Jeff.Cranston@ags.gov.au]  
**Sent:** Tuesday, 25 October 2011 4:54 pm  
**To:** Daley, Simon (AGS)  
**Cc:** Campbell, Bill; Reid, John  
**Subject:** Prosecution in the Magistrates' Court of Victoria against President of Sri Lanka

Simon,

S42(1)



Regards,

Jeff

---

**Jeff Cranston**

Senior Executive Lawyer

Australian Government Solicitor

T: 03 9242 1367 F: 03 9242 1496 M: [REDACTED]

S47F(1)

[jeff.cranston@ags.gov.au](mailto:jeff.cranston@ags.gov.au)

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Ng, Phillip

---

**From:** Liddell, Ryan  
**Sent:** Wednesday, 26 October 2011 10:55 AM  
**To:** Reid, John, Clifton, Jacob; Little, Matthew  
**Cc:** Campbell, Bill; Ng, Phillip  
**Subject:** RE: A-G Comment [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Comments from former diplomat Bruce Haigh

<b>Source:</b> 720 ABC Perth	<b>Program Name:</b> 6am News Headlines
<b>Compere:</b> Alan Knight	<b>Interviewees:</b> Bruce Haigh, former Australian diplomat
<b>Date:</b> 26 10 2011	<b>Duration:</b> 0.49
<b>Program Time:</b> 06.00 06 10	<b>Broadcast Time:</b> 6 00

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**Transcript:**

ALAN KNIGHT            A former Australian diplomat says the Attorney-General is wrong to claim he'd have breached international law if he allowed a war crimes case against the Sri Lankan President to proceed in Australia. A sixty-three year old Tamil man has filed charges in the Melbourne Magistrate's Court against Mahinda Rajapakse who is in Perth for the Commonwealth Heads of Government Meeting. Robert McClelland's permission is required for such a case to go ahead, but he has ruled it out saying the President is legally entitled to diplomatic immunity. The former Australian diplomat Bruce Haigh says its clear Mr McClelland's decision is being purely based on politics.

BRUCE HAIGH            And he doesn't want to do anything that would, you know, upset the apple cart as far as CHOGM is concerned. But in terms of international law and in terms of Australian law, no he would not be in breach.

**From:** Reid, John  
**Sent:** Wednesday, 26 October 2011 10:02 AM  
**To:** Liddell, Ryan; Clifton, Jacob  
**Cc:** Campbell, Bill; Ng, Phillip  
**Subject:** Re: A-G Comment [SEC=UNCLASSIFIED]

Classification: UNCLASSIFIED

Ryan,  
That's right.

S42(1)



Cheers,  
John



REDACTED



REDACTED





REDACTED

**Mason, Timothy**

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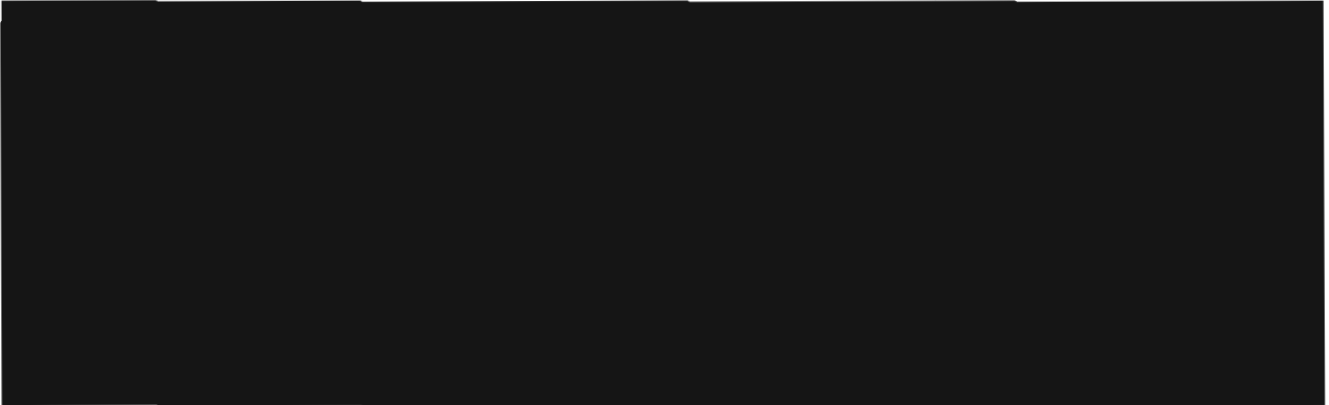
**From:** Reid, John  
**Sent:** Wednesday, 26 October 2011 11.10 AM  
**To:** Inverarity, Tara  
**Cc:** Ananijevski, Branko; Winter, Josephine; Coles, Anthony; Campbell, Bill, Ng, Phillip  
**Subject:** RE: CHOGM - President of Sri Lanka - URGENT [SEC=UNCLASSIFIED]

**Security Classification:** UNCLASSIFIED

**UNCLASSIFIED**

S42(1)

Tara,



Cheers,  
JR

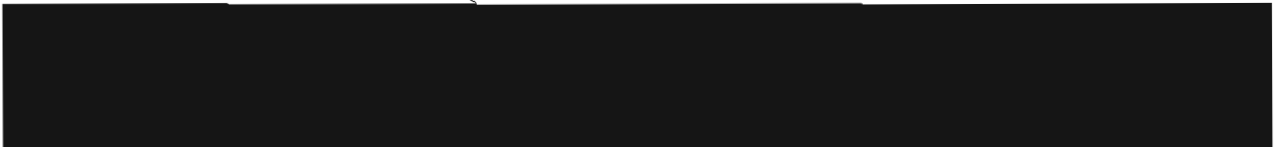
**From:** Inverarity, Tara  
**Sent:** Wednesday, 26 October 2011 10:20 am  
**To:** Clifton, Jacob  
**Cc:** Ananijevski, Branko; Winter, Josephine; Coles, Anthony; Campbell, Bill; Reid, John  
**Subject:** RE: CHOGM - President of Sri Lanka - URGENT [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Jacob

Thanks for this.

S42(1)



Cheers  
Tara

**From:** Clifton, Jacob  
**Sent:** Wednesday, 26 October 2011 10:04 am

**To:** Coles, Anthony; Reid, John; Campbell, Bill; Inverarity, Tara  
**Subject:** FW: CHOGM - President of Sri Lanka - URGENT [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

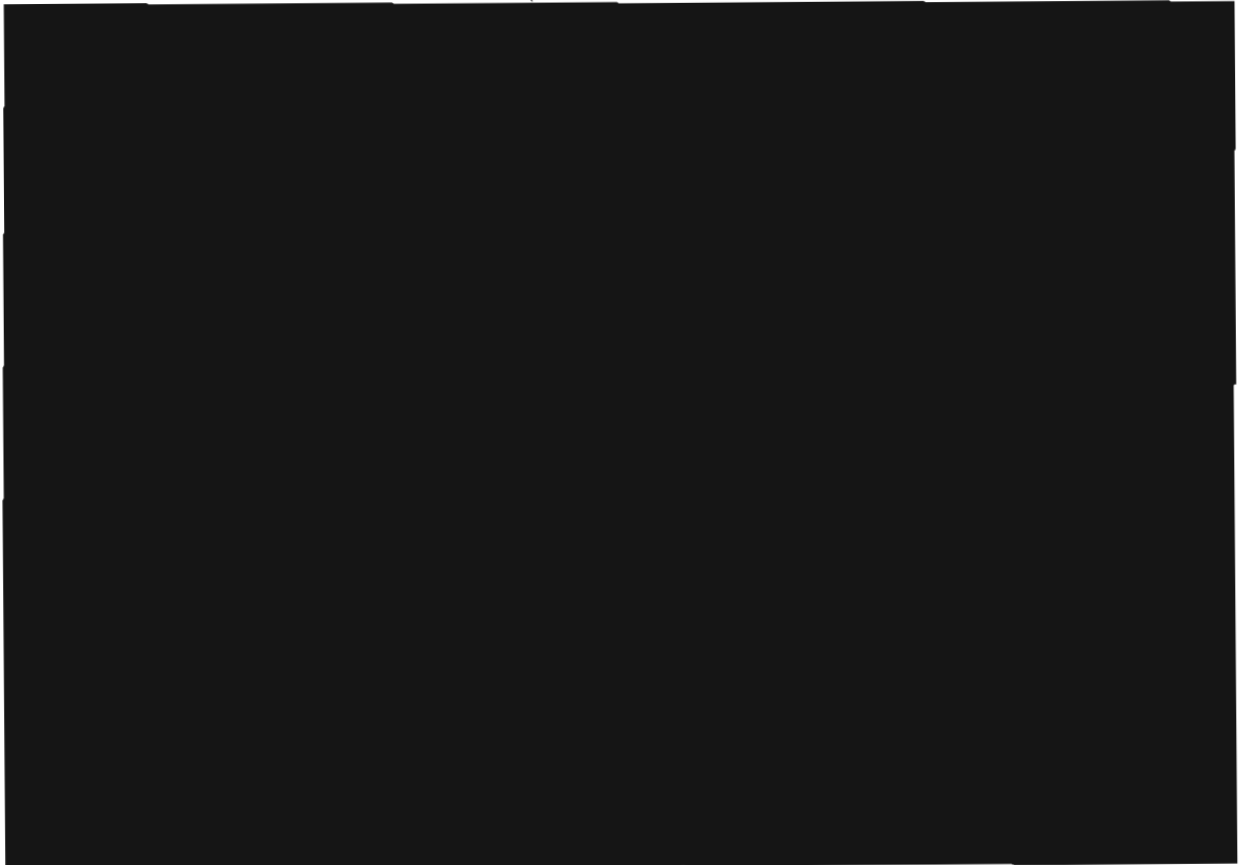
FYI

S47F(1)

**From:** [REDACTED]  
**Sent:** Wednesday, 26 October 2011 9:51 AM  
**To:** Attorney Correspondence; Clifton, Jacob; Whelan, John  
**Cc:** 'Peter.Sawczak@dfat.gov.au'; 'Patrick.Gorman@dfat.gov.au'; Rob McKenzie  
**Subject:** CHOGM - President of Sri Lanka - URGENT

Dear Mr McClelland,

S33(a)(iii), S33(b)

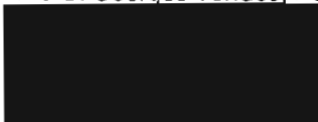


Yours sincerely,

S47F(1)

[REDACTED] Senior Consultant  
Jackson McDonald

140 St Georges Terrace, Perth



S47F(1)

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[REDACTED] Partner  
Jackson McDonald

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From:

S47F(1)

Sent: Tuesday, 25 October 2011 3:35 PM

To: 'jacob.clifton@ag.gov.au'; 'john.whelan@ag.gov.au'

Cc: 'Gorman, Patrick'; Sawczak, Peter; Rob McKenzie

Subject: CHOGM - President of Sri Lanka - Private & Confidential - URGENT

Dear Jacob and John,

S42(1)

[REDACTED]

Kind regards,

S47F(1)

Senior Consultant  
Jackson McDonald

140 St Georges Terrace, Perth

S47F(1)

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From:

S47F(1)

Sent: Tuesday, 25 October 2011 7:37 AM

To: 'jacob.clifton@ag.gov.au'; 'john.whelan@ag.gov.au'

Subject: Re: CHOGM - President of Sri Lanka - Private & Confidential - URGENT

Dear Jacob and John,

S47F(1)

[REDACTED]

Kind regards,

S47F(1)

S47F(1)

From:

Sent: Monday, October 24, 2011 07:03 PM

To: jacob.clifton@ag.gov.au <jacob.clifton@ag.gov.au>; john.whelan@ag.gov.au <john.whelan@ag.gov.au>

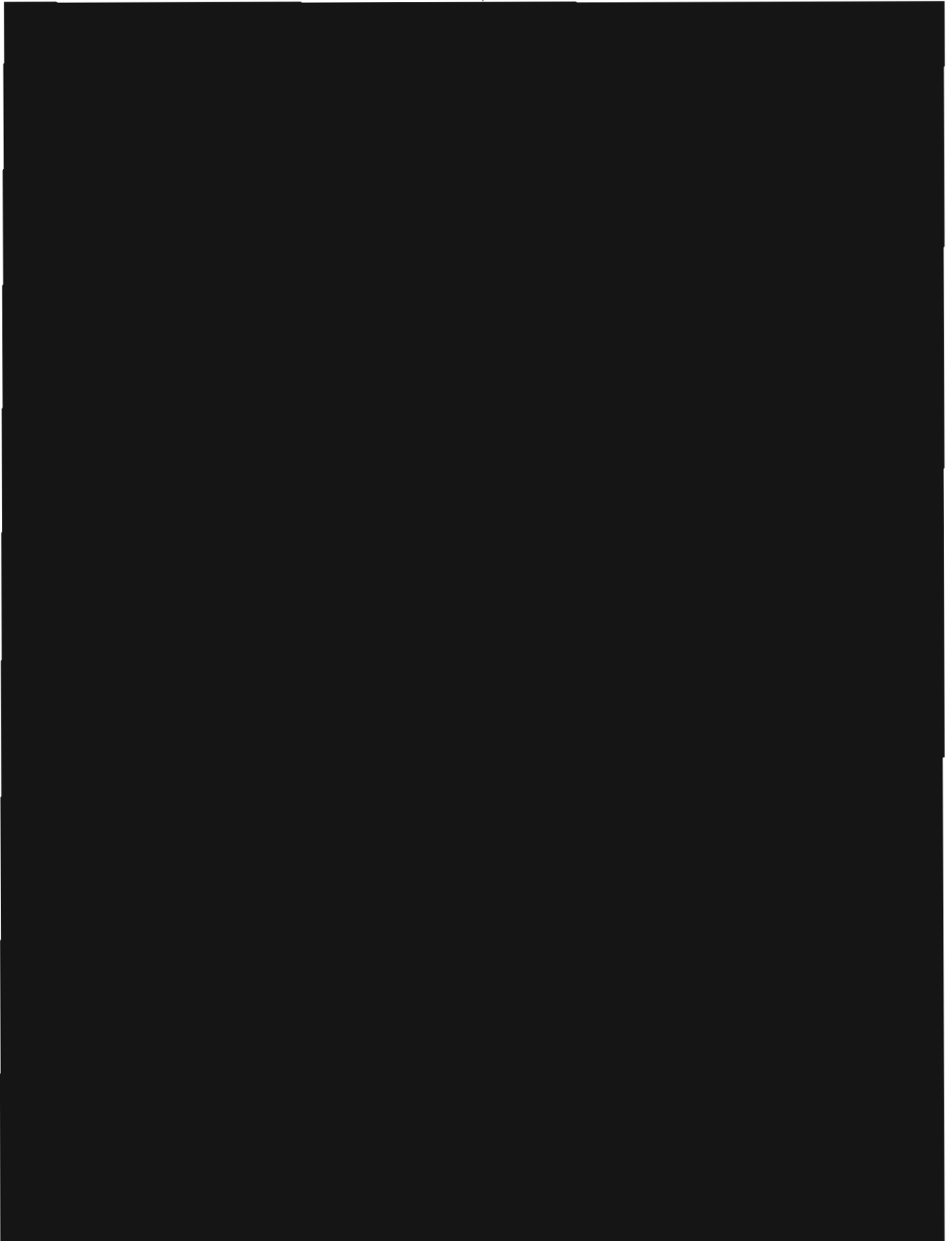
Cc: attorney@ag.gov.au <attorney@ag.gov.au>; kevin.rudd@dfat.gov.au <kevin.rudd@dfat.gov.au>; iain.anderson@ag.gov.au <iain.anderson@ag.gov.au>; mark.jennings@ag.gov.au

<mark.jennings@ag.gov.au>; dominic.trindade@dfat.gov.au <dominic.trindade@dfat.gov.au>;  
aaron.verlin@chogm2011.org <aaron.verlin@chogm2011.org>; Rob McKenzie; Thisara Samarasinghe  
<slhighcommissioner@gmail.com>

**Subject:** CHOGM - President of Sri Lanka - Private & Confidential - URGENT

Dear Mr Clifton and Mr Whelan,

S33(a)(iii), S33(b)



[Redacted]

Kind regards

S47F(1)

S33(a)(iii), S33(b)

[Redacted] Senior Consultant  
Jackson McDonald

140 St Georges Terrace, Perth

[Redacted]

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[Redacted] Partner  
Jackson McDonald

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Australian Government  
Attorney-General's Department

FILE NOTE

Office of International Law

11/26705

26 October 2011

Victorian Magistrates Court Action – Sri Lanka

S42(1)



A handwritten signature in cursive script that reads "Bill Campbell".

Bill Campbell QC  
General Counsel (International Law)

Released under the Freedom of Information Act 1982 by the Attorney-General's Department

~~LEGAL-IN-CONFIDENCE~~

**Mason, Timothy**

---

**From:** Reid, John  
**Sent:** Wednesday, 26 October 2011 12:14 PM  
**To:** Ng, Phillip  
**Subject:** Fw: A-G Comment [SEC=UNCLASSIFIED]

Classification: UNCLASSIFIED

Sorry Phil - left you off the addresses.

---

**From:** Reid, John  
**To:** Inverarity, Tara  
**Cc:** Ananijevski, Branko; Winter, Josephine; Coles, Anthony; Campbell, Bill  
**Sent:** Wed Oct 26 12:13:38 2011  
**Subject:** Re: A-G Comment [SEC=UNCLASSIFIED]

Classification: UNCLASSIFIED

Tara,  
OIL can arrange dispatch.

Phil - can you pls print (on the AG's proper paper) and leave it on my desk?

Cheers,  
JR

---

**From:** Inverarity, Tara  
**To:** Reid, John  
**Cc:** Ananijevski, Branko; Winter, Josephine; Coles, Anthony  
**Sent:** Wed Oct 26 12:08:57 2011  
**Subject:** RE: A-G Comment [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

John

Would you like CLLEB to arrange dispatch or will OIL arrange?

Tara

**From:** Clifton, Jacob  
**Sent:** Wednesday, 26 October 2011 12:06 pm  
**To:** Inverarity, Tara  
**Cc:** Reid, John; Campbell, Bill; Ananijevski, Branko; Winter, Josephine; Coles, Anthony  
**Subject:** RE: A-G Comment [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Tara,

Please see the attached signed letter for postage please.

Thanks,



Jacob.

**From:** Inverarity, Tara  
**Sent:** Tuesday, 25 October 2011 6:18 PM  
**To:** Clifton, Jacob; Coles, Anthony  
**Cc:** Reid, John; Campbell, Bill; Ananijevski, Branko; Winter, Josephine  
**Subject:** RE: A-G Comment [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Jacob

As discussed, please find attached a revised version of the letter to Mr Stary with Anthony Coles as the contact officer.

Criminal Justice Division has no comments on these talking points. Once any comments from OIL are incorporated, we will forward to relevant contacts at officer level.

Thanks  
Tara

**From:** Clifton, Jacob  
**Sent:** Tuesday, 25 October 2011 6:00 pm  
**To:** Coles, Anthony  
**Cc:** Reid, John; Campbell, Bill; Inverarity, Tara  
**Subject:** FW: A-G Comment [SEC=UNCLASSIFIED]  
**Importance:** High

**UNCLASSIFIED**

Anthony,

The AG has approved the refusal of consent.

Could you please urgently fact check the media lines below.

Kind regards,

Jacob.

**From:** Liddell, Ryan  
**Sent:** Tuesday, 25 October 2011 5:47 PM  
**To:** Clifton, Jacob; Little, Matthew  
**Subject:** FW: A-G Comment [SEC=UNCLASSIFIED]  
**Importance:** High

**UNCLASSIFIED**



REDACTED

**Mason, Timothy**

---

**From:** Reid, John  
**Sent:** Wednesday, 26 October 2011 12:16 PM  
**To:** Ng, Phillip  
**Subject:** Fw A-G Comment [SEC=UNCLASSIFIED]  
**Attachments:** Revised letter to Rob Stary - Sri Lanka war crimes - with AGD contact officer.pdf

Classification: UNCLASSIFIED

Phil - letter attached

---

**From:** Clifton, Jacob  
**To:** Inverarity, Tara  
**Cc:** Reid, John; Campbell, Bill; Ananijevski, Branko; Winter, Josephine; Coles, Anthony  
**Sent:** Wed Oct 26 12:06:06 2011  
**Subject:** RE: A-G Comment [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Tara,

Please see the attached signed letter for postage please.

Thanks,

Jacob.

**From:** Inverarity, Tara  
**Sent:** Tuesday, 25 October 2011 6:18 PM  
**To:** Clifton, Jacob; Coles, Anthony  
**Cc:** Reid, John; Campbell, Bill; Ananijevski, Branko; Winter, Josephine  
**Subject:** RE: A-G Comment [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Jacob

As discussed, please find attached a revised version of the letter to Mr Stary with Anthony Coles as the contact officer.

Criminal Justice Division has no comments on these talking points. Once any comments from OIL are incorporated, we will forward to relevant contacts at officer level.

Thanks

Tara

**From:** Clifton, Jacob  
**Sent:** Tuesday, 25 October 2011 6:00 pm  
**To:** Coles, Anthony  
**Cc:** Reid, John; Campbell, Bill; Inverarity, Tara  
**Subject:** FW: A-G Comment [SEC=UNCLASSIFIED]  
**Importance:** High

REDACTED