



ATTORNEY-GENERAL

CANBERRA

12/7750

Mr John Smyth
By email: jasmyth@activ8.net.au

Dear Mr Smyth

I refer to your letter received by my Department on 11 February 2014 regarding the Respondent's request that a public interest certificate be issued in the matter before the Administrative Appeals Tribunal (AAT) in which you are the Applicant (AAT matter no. 2013/3835-3837).

I am able to issue a public interest certificate in proceedings before the Security Appeals Division of the AAT under section 36(1) of the *Administrative Appeals Tribunal Act 1975*. If a public interest certificate is issued it protects the confidential information that is sought to be relied on as evidence in the proceeding, but it does not protect the records which are the subject of the proceeding. The effect of the certificate is that the confidential information can only be disclosed to a member of the AAT for the purposes of the proceeding.

I was asked by the Respondent to issue a public interest certificate to protect confidential affidavits that the Respondent is seeking to rely on as evidence in the proceeding. The material I had before me in making a decision on whether to issue a certificate included the Respondent's request, the confidential affidavits for which the certificate is sought, and your letter with accompanying attachment detailing your desire to receive a sanitised version of the records, which are the subject of the proceedings.

In this particular instance, the sensitive nature of the confidential affidavits requires me to issue a public interest certificate to protect the information they contain. This certificate will also cover any information given as evidence that discloses the matters contained in the confidential affidavits. I have determined that the disclosure of this information would be contrary to the public interest by reason that it would prejudice the security, defence or international relations of Australia. I understand an open affidavit has been provided to you to ensure you have visibility of as many of the arguments made by the Respondent as possible.

Yours faithfully

A handwritten signature in black ink, appearing to be 'George Brandis', written over a large, stylized scribble or signature.

(George Brandis)