



Australian Government
Attorney-General's Department
Office of Corporate Counsel

11/28970

29 March 2012

Senator Scott Ludlam
Senate Suite SG61
Parliament House
Canberra ACT 2600

By email: Senator.Ludlam@aph.gov.au

Dear Senator Ludlam

Re: FOI Request

I refer to your two requests dated 2 December 2011 under the *Freedom of Information Act 1982* ('the Act') to the Attorney-General's Department and the Office of the Attorney-General. As you are aware, your request to the Office of the Attorney-General was transferred to this Department on 22 December 2011 for processing. In both requests, you are seeking access to copies of:

"all documents in the power, custody or possession of the Attorney-General's Department (and the Office of the Attorney-General) which refer or relate to the potential extradition or temporary surrender of Wikileaks Editor in Chief Mr Julian Assange to the United States of America. This would include (but is not limited to) any written communication;

- *between the Attorney-General and the Prime Minister;*
- *between the Attorney-General and the Foreign Minister;*
- *internal briefing notes;*
- *communications to or from counterparts in the United States;*
- *communications to or from counterparts in Sweden;*
- *communications to or from the Attorney-General's Department with any other Department or Minister's Office; and*
- *communications to or from the Attorney-General's Department with any other private or public organisations (including but not limited to private consultancies or legal practitioners) and any individuals."*

In relation to the above, you are also seeking access to copies of:

"any draft documents (including briefs, letters and reports to the Minister) as well as the final version (or most recent version) submitted to (or from) the Prime Minister."

Decision

2. I am, pursuant to arrangements approved by the Secretary of this Department under section 23 of the Act, authorised to make decisions in relation to both of the above requests on behalf of this Department. This reply, therefore, covers both requests.

3. As advised in my email dated 14 March 2012 to Ms Felicity Hill of your office, due to circumstances beyond our control, we were unable to finalise your two requests by 16 March 2012 as originally anticipated. We are still engaged in consultations with the Department of Foreign Affairs and Trade (DFAT) which unfortunately are taking longer than expected due to the recent change of Minister. However, DFAT has assured us that they are doing everything they can to expedite this process so that consultations can be finalised shortly.

4. I wish to advise, however, that I am able to release to you the first tranche of documents from this Department and the Office of the Attorney-General which come within the ambit of your requests. Those copies are enclosed – I trust they are of assistance to you.

5. Following correspondences dated 25 January 2012 between Ms Hill and Mr Logan Tudor of this Department, Ms Hill communicated on your behalf that you are seeking, as a matter of priority for the first staged release, access to copies of documents:

- *to or from counterparts in the United States;*
- *to or from counterparts in Sweden; and*
- *to or from counterparts in the UK.*

6. As advised in Ms Rachael Holland's email dated 31 January 2012 to Ms Hill, this Department and the Office of the Attorney-General does not hold written communications to or from counterparts in the United States, Sweden or UK relating to Mr Assange's potential extradition to the United States of America. I am obliged, therefore, to refuse this part of your request under section 24A of the Act. That provision allows an agency to refuse a request if all reasonable steps have been taken to locate the documents sought and it is satisfied that the documents either do not exist or cannot be found.

7. Copies of documents held by the Department which come within the other parts of your requests are attached. You will see, however, that I have made deletions to some of those documents. They have been made pursuant to section 22 of the Act. That provision requires me, where there is material included in a document which, if retained, would render the document exempt, to delete that material and release the rest of the document.

8. Section 26 of the Act requires a decision maker, where access to a document has been denied either wholly or partially, to provide the applicant with a notice setting out the findings on material questions of fact, the material on which those findings were based, and the reasons for the decision. Set out below, therefore, is that information in relation to the material to which access has been denied on this occasion.

Findings on Material Questions of Fact

9. My findings on material questions of fact in this matter are as follow. The requested documents contain:

- information affecting Australia's international relations;
- material subject to legal professional privilege; and
- personal information about identified individuals.

Material on which those Findings are Based

10. The material on which those findings are based consists of the documents themselves.

Reasons for Decision

11. I have deleted certain material from the documents because it is, in my view, exempt from disclosure under sections 33, 42 and 47F of the Act. Further particulars are set out below.

Section 33

12. Some of the material has been exempted under section 33(a)(iii) of the Act which provides as follow:

A document is an exempt document if disclosure of the document under this Act:

- (a) *would or could reasonably be expected to, cause damage to:*
- (i) *... ;*
 - (ii) *... ; or*
 - (iii) *the international relations of the Commonwealth; ... etc.*

The material in question is exempt under section 33(a)(iii) because in my view, its disclosure would, or could reasonably be expected to, cause damage to Australia's international relations.

Section 42

13. Some of the material has been exempted in full and in part under section 42 of the Act which provides as follows:

- (1) *A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.*
- (2) *A document is not an exempt document because of subsection (1) if the person entitled to claim legal professional privilege in relation to the production of the document in legal proceedings waives that claim.*

I have identified specific paragraphs within the enclosed documents which contain information that is subject to legal professional privilege. These paragraphs have, therefore, been marked and deleted under section 42.

For a document to be exempt under section 42(1) I must be satisfied, firstly, that the document would be privileged from production in legal proceedings on the ground of legal professional privilege and, secondly, that privilege in relation to the document has not been waived, either expressly or impliedly.

A document is privileged on the ground of legal professional privilege if, amongst other things, it is a confidential communication between a person and his or her solicitor or barrister brought into existence for either the dominant purpose of seeking or giving advice or for use in actual or

anticipated litigation.

The material considered exempt under section 42(1) in this case – communications between departmental officers to the Secretary of this Department, Mr Roger Wilkins – were, in my view, brought into existence for the purpose of either giving or seeking legal advice or for use in possible legal proceedings. They were also prepared by a qualified lawyer acting in his/her capacity as a professional legal adviser and the material was intended to be confidential. The Secretary, as the client, has not waived privilege in relation to the material in question, either expressly or impliedly.

Section 47F

14. I have also decided that some of the material is conditionally exempt from disclosure under section 47F of the Act. Section 47F provides as follows:

General rule

- (1) *A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*
- (2) *In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:*
 - (a) *the extent to which the information is well known;*
 - (b) *whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;*
 - (c) *the availability of the information from publicly accessible sources;*
 - (d) *any other matters that the agency or Minister considers relevant.*

The material in question is conditionally exempt under this provision because its release would, in my view, involve the unreasonable disclosure of personal information about certain identified individuals.

The material which I have exempted pursuant to section 47F includes names, contact details, and personal information, relating to identified individuals. This material contains information that is personal in nature and its release would, in my view, involve an unreasonable disclosure of personal information about those individuals. In deciding that the disclosure would be unreasonable, I have had regard to the matters raised in subsection (2) and have determined that this material is not well known and is not publicly available.

Subsection 11A(5) provides that a conditionally exempt document must nevertheless be disclosed to the applicant unless its release would, on balance, be contrary to the public interest. The release of the material here in question would, in my view, be contrary to the public interest as I believe that disclosure of this material would constitute a significant breach of those individuals' right to privacy. Such a disclosure, in my view, would be an undue interference in the individual's private affairs, and would therefore, on balance, be contrary to the public interest.

15. I should advise in closing that there are several documents in relation to your requests which decisions have not yet been made. This is because they are still the subject of consultations with another agency which are unfortunately taking longer than expected. I will contact you as soon as these consultations are finished and a decision has been made.

Material outside ambit

16. You will note that I have also deleted material from the attached documents which is outside the ambit of your request.

Right of Review

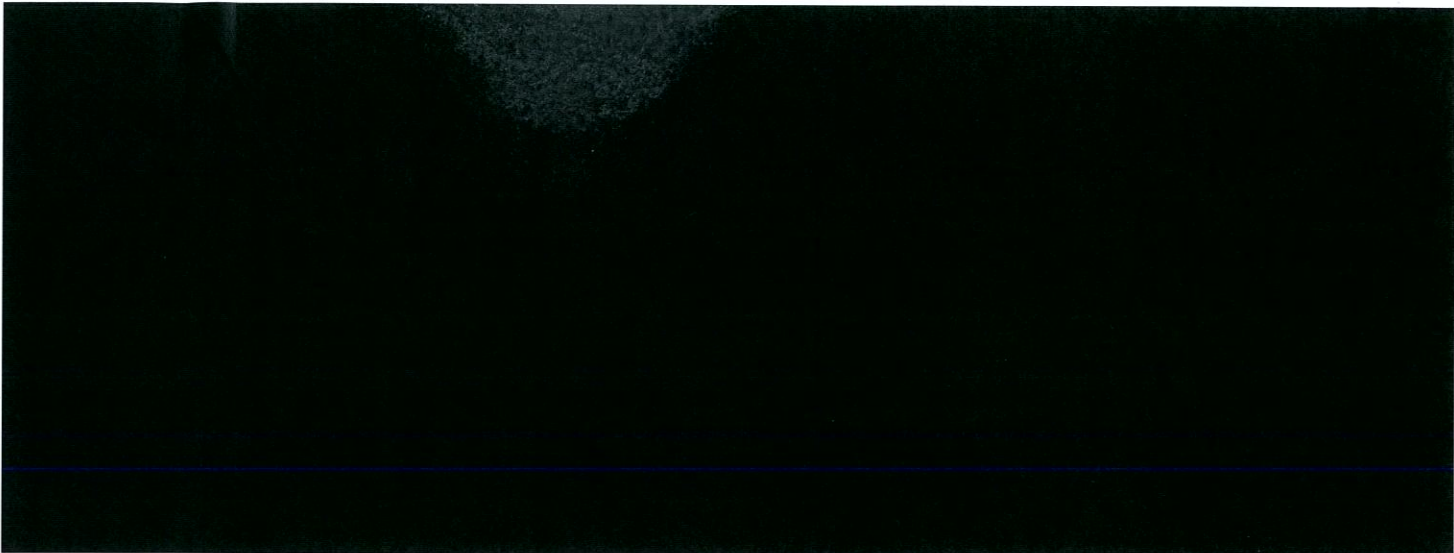
17. Should you wish to seek a review of my decision in this matter, you have two options. You may seek an internal review of my decision by another senior officer of this Department. If you wish to pursue this course of action, you should write to me within 30 days of the date of this letter. Alternatively, you may seek a review of the decision by writing to the Office of the Australian Information Commissioner (OAIC). The OAIC also investigates complaints should you wish to complain about any aspect of the way in which your request has been handled. Applications for review by the OAIC should be sent to GPO Box 2999 Canberra ACT 2601 or enquiries@oaic.gov.au. Further information can be found at www.oaic.gov.au.

Yours sincerely



Thuy Van Nguyen
Legal Officer
Freedom of Information and Privacy Section
Telephone: (02) 6141 3741
E-mail: Thuy.Nguyen@ag.gov.au

Pages 1-3, Email dated Thursday, 1 December 2011 from Anna Harmer (Assistant Secretary, International Crime Cooperation Central Authority) to Roger Wilkins, (Secretary of the Attorney-General's Department), titled: "*Extradition and Assange – next steps, death penalty and legal advice*" exempt in full pursuant to section 42 – legal professional privilege.



From: Cuthbertson, Shannon
Sent: Wednesday, 8 December 2010 4:10 pm
To: Gleeson, Daniel
Cc: Lowe, Jamie; Wyman, Lisa; Harmer, Anna; Jackson, Maggie; Penny Morton (Penny.Morton@dfat.gov.au); Peter Scott (peter.scott@dfat.gov.au)
Subject: RE: Assange could face espionage trial in US [SEC=UNCLASSIFIED]
Importance: High

UNCLASSIFIED

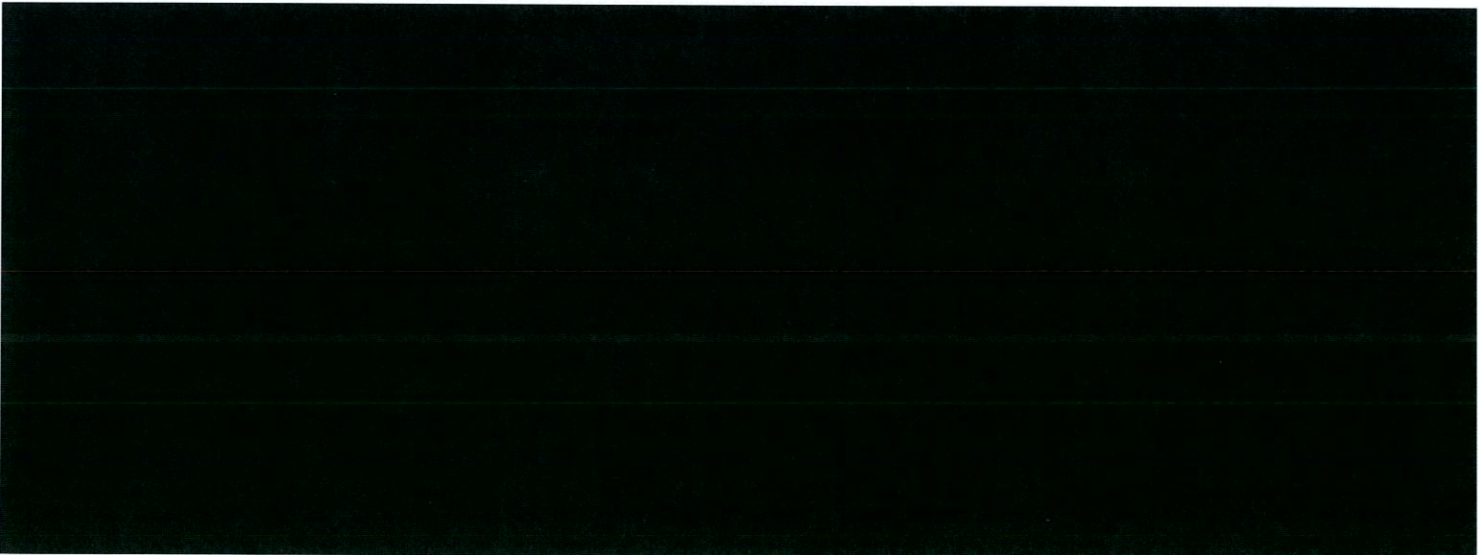
Hi Dan

I suggest a response along the following lines:

- Any discussions which might be taking place between US and Swedish officials concerning Mr Assange are a matter for the United States and Sweden in the context of the bilateral relationship between those two countries.
- It would not be appropriate for me to make any comment on the matter.
- If detained, Mr Assange will be offered the same consular assistance as any other Australian.

Regards

Shannon



To: Lowe, Jamie; Wyman, Lisa; Harmer, Anna
Subject: FW: Assange could face espionage trial in US [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Jamie, Anna, Lisa,

The AGO is now seeking lines that they could use when they are asked about claims that US and Swedish officials are 'in discussions' on Assange going to the US.

I am not sure what we could say as this process would happen occur independently of us?

The TPs have the following:

- *If an Australian citizen is required to respond to allegations of breaching the laws of another country, they are entitled to due process in doing so.*

Do you have any further suggestions?

Cheers,
Dan

From: Liddell, Ryan
Sent: Wednesday, 8 December 2010 3:23 pm
To: Gleeson, Daniel
Subject: TPs on Assange [SEC=UNCLASSIFIED]

UNCLASSIFIED

And not wanting to load you up... but could we get a couple of lines together on the speculation in the SMH article? What would we do, what needs to happen etc? Obviously all couched in that it's all hypothetical and from a random source.

<http://www.smh.com.au/technology/technology-news/assange-wanted-by-us-for-espionage-offences-20101208-18ouj.html>.

Thanks,

Ryan Liddell
Media Adviser
Office of the Hon Robert McClelland MP
Attorney-General and Federal Member for Barton

P | 02 6277 7300 | [REDACTED] s 47F
W | www.attorneygeneral.gov.au

From: Gleeson, Daniel
Sent: Wednesday, 8 December 2010 2:20 pm
To: Docwra, Peter; 'Noble, Rachel'; Miller, Gregory; Lowe, Jamie
Cc: Harris, Craig; Hendrie, Michele; Heffernan, Tracy
Subject: Assange could face espionage trial in US [SEC=UNCLASSIFIED]

UNCLASSIFIED

Assange could face espionage trial in US

<http://www.independent.co.uk/news/uk/crime/assange-could-face-espionage-trial-in-us-2154107.html>

Daniel Gleeson
Public Affairs Officer
Attorney-General's Department
(02) 6141 2511



s 47F

Tudor, Logan

From: Swinbourne, Emma
Sent: Wednesday, 30 November 2011 8:31 AM
To: Cairns, Louise
Cc: Harmer, Anna; Taylor, Julie
Subject: Suggested text for response to q 3 of Senator Ludlam's letter ~~[SEC-**IN CONFIDENCE**]~~

Security Classification:

~~**IN CONFIDENCE**~~

~~**IN CONFIDENCE**~~

Dear Louise

Suggested text for question 3 below. It has been cleared by Anna.

Please let me know if I can further assist.

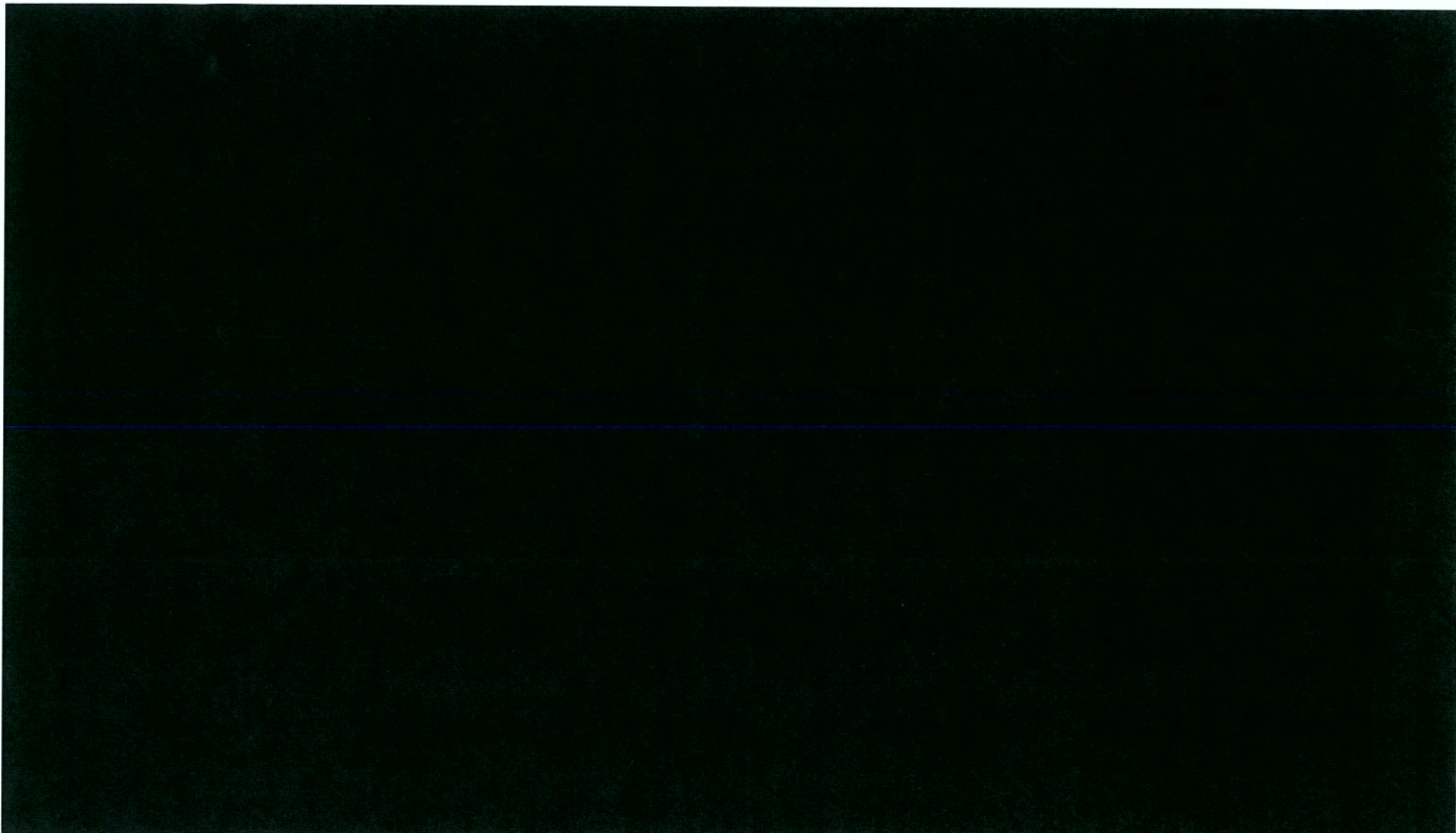
Thanks,

Emma

Will the Australian Government prevent Mr Assange being further extradited from Sweden to the United States for doing what the media have always done which is bring to light material that governments would prefer to keep secret

Extradition is a matter of bilateral law enforcement cooperation. The decision by a foreign state whether to make, or grant, an extradition request is a sovereign act done in accordance with that state's domestic laws and procedures, and in light of relevant treaty obligations that it has assumed. On that basis, Australia would not expect to be a party to any extradition discussions that may take place either between Sweden and the United States or the United Kingdom and the United States.

If any Australian citizen is required to respond to allegations of breaching the laws of another country, the Government's role is to seek to ensure due process is followed in the legal proceedings. Mr Assange is entitled to the same rights as any other Australian citizen and has been afforded full consular assistance, including attendance by consular officials at court hearings, prison visits and communications with his family and legal representatives.



From: Williams, Kelly
Sent: Thursday, 24 November 2011 5:21 pm
To: Sheehan, Tony; Jackson, Maggie
Cc: Harmer, Anna
Subject: Secretary's extradition questions ~~{SEC-IN-CONFIDENCE}~~

~~IN-CONFIDENCE~~

Tony, Maggie

Roger has raised some extradition questions about Assange and we spoke with him today.

s 42



We advised:



s 42

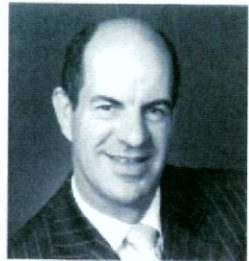


Kelly

s 42



Kelvin Thomson MP
Labor Member for Wills



November 10, 2011/th

The Hon. Robert McClelland
Attorney-General
PO Box 6022
Parliament House
CANBERRA ACT 2600

RECEIVED
21 NOV 2011
BY MCO

Dear Attorney-General,

s 47F

I am writing on behalf of a constituent, [REDACTED] who has written to me enquiring about what support the Australian Government is currently providing, or will provide, to Julian Assange in relation to his possible extradition to Sweden, and thereafter the United States. I have enclosed a copy of her email for your information.

s 47F

As you can see, [REDACTED] believes that Mr Assange is entitled to the presumption of innocence. She would also like to know what action the Australian Government will take should Mr Assange be extradited to the United States.

I would appreciate your consideration of these concerns should the extradition of Mr Assange eventuate, and advice on what action the Australian Government will take if this occurs.

Yours sincerely,

Kelvin Thomson MP
Member for Wills

Enc:

129127

<input checked="" type="checkbox"/> Priority A (date 23/11)	<input checked="" type="checkbox"/> Reply by McClelland
<input type="checkbox"/> Priority B	<input type="checkbox"/> Reply by O'Connor
<input type="checkbox"/> Priority C	<input type="checkbox"/> Brief required
<input type="checkbox"/> Information	<input type="checkbox"/> Reply by COS
<input type="checkbox"/> Approp. action	
RECEIVED 14 NOV 2011	
<input type="checkbox"/> Reply by AGD	Action Area 1000A
	Init. J.L.
	Date 14/11

Hamilton, Tim (K. Thomson, MP)

From: [§ 47F] [REDACTED]
Sent: Sunday, 6 November 2011 10:14 PM
To: Thomson, Kelvin (MP)
Subject: julian assange

COPY

Dear Mr Thompson

This is to ask what support the Australian Government is currently providing, and will provide, to Julian Assange relating to his probable extradition to Sweden, and from there, his possible extradition to the United States.

I want to know whether Australia will act as an independent nation and stand up for one of its own citizens, or whether the government will shame us all by kowtowing to another country.

My view is that Mr Assange is entitled to the presumption of innocence re the allegations of rape. I am concerned that should the allegations against him proceed to trial, it will be behind closed doors as per the Swedish norm. As the circumstances surrounding him are so politically charged, there is a real question whether he will receive a fair trial.

What will the Australian government be doing to ensure that this Australian citizen receives a fair trial should the allegations against him end up in a Swedish court? I am aware of course that one government cannot interfere with the judicial system of another country. I am also aware though of what is happening with the 14 year old boy charged with buying marijuana in Bali, and the significant support afforded him and his family by the Australian government, so can see what can be done when the government has the will to act.

My view on Mr Assange and his WikiLeaks activities is that he is a journalist and a publisher, that he has published material that the world has a right to see, regardless of how it embarrasses various governments and individuals, and that he should be applauded, not punished, for this work.

I note that material published by WikiLeaks has also been published by countless other media outlets, yet no other journalist or publisher is in the US's sights for this.

Prominent US politicians and other powerbrokers have called for Mr Assange to be assassinated. We know what the Americans are capable of. We have seen how badly Private Bradley Manning has been treated by his own country. We know what happened to David Hicks and others at Guantanamo Bay, and to prisoners at Abu Ghraib, etc..

So the Australian government and all Australian citizens should be concerned about what sort of treatment would be meted out to Mr Assange if he ever finds himself in American hands.

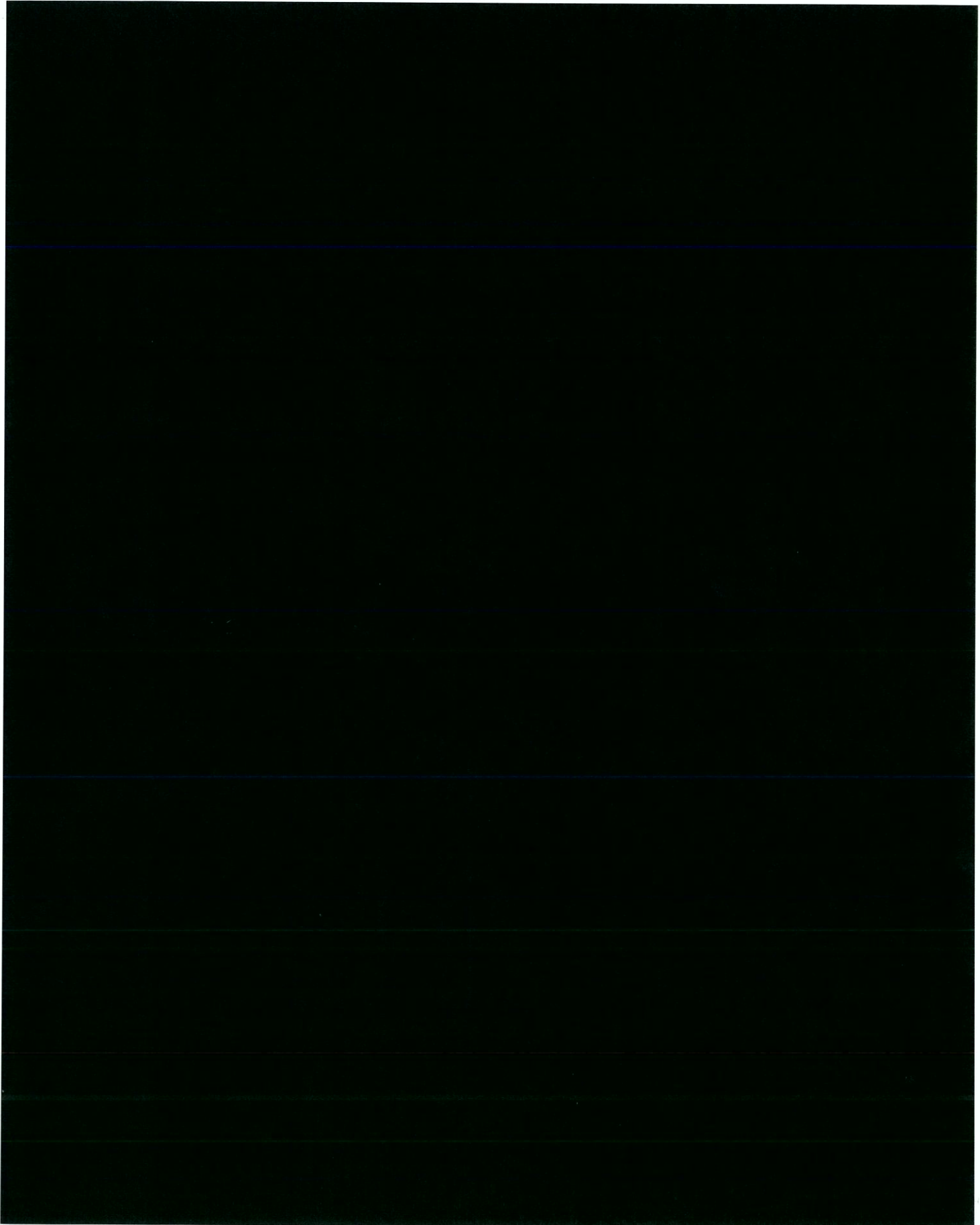
I would like to know what action you will take should the US seek to have him extradited there to face some kangaroo court. Will the Australian government stand by, like the Howard government did with David Hicks, or will you actually stand up for the rights of an Australian citizen?

The government's record is not good –the Prime Minister and Attorney General previously made inaccurate statements about Mr Assange acting illegally re material published on WikiLeaks – a investigation by the AFP found this not to be true.

Given this, I would like to know that the the Labor government will in future act to protect Mr Assange's rights, rather than act an outpost of the US.

~~IN CONFIDENCE~~

QUESTION TIME BRIEF



Material Outside Ambit

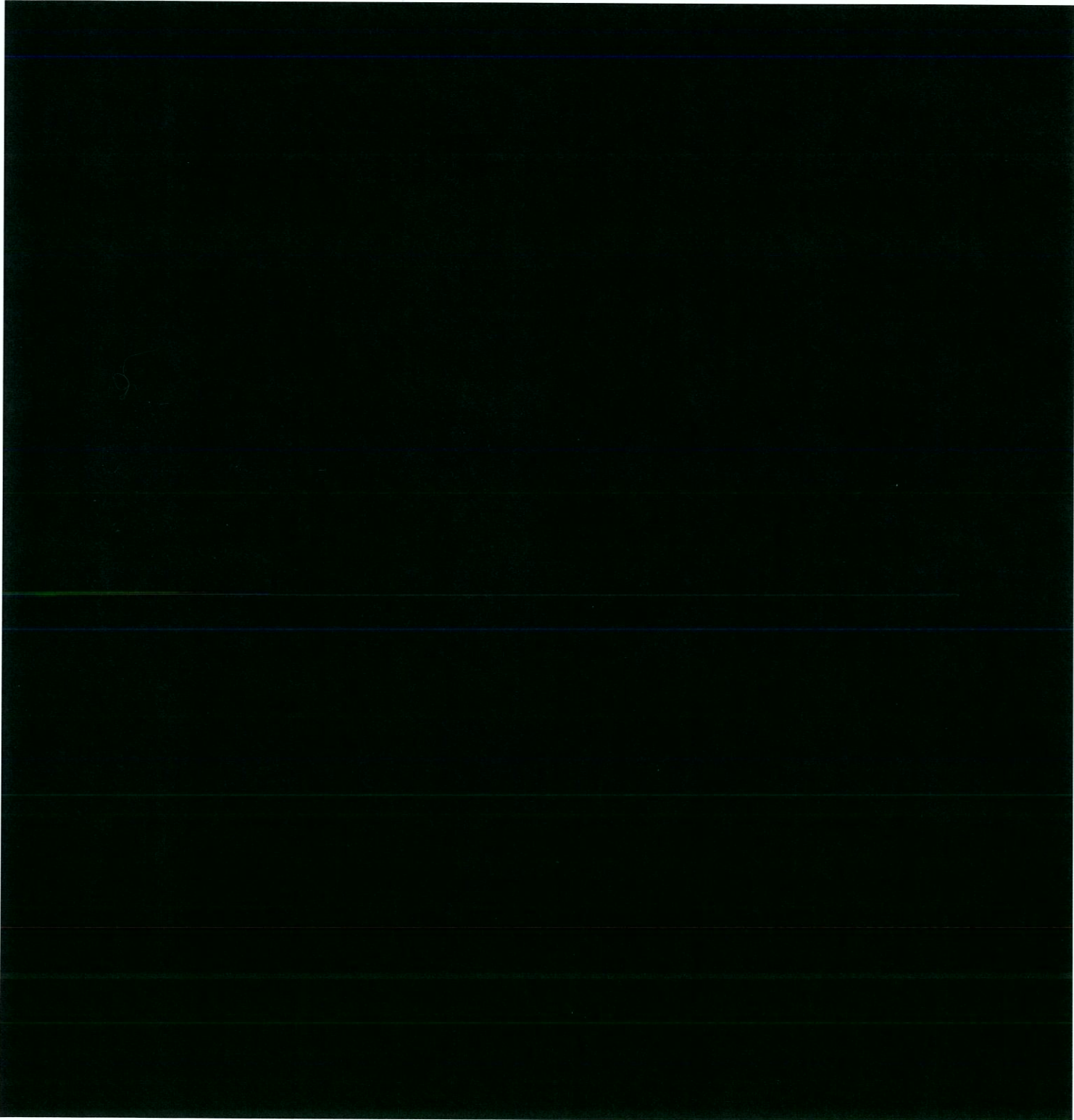
~~IN CONFIDENCE~~

[If asked: Is the Australian Government going to allow Mr Assange to end up in the hands of the US Government, as David Hicks has said?]

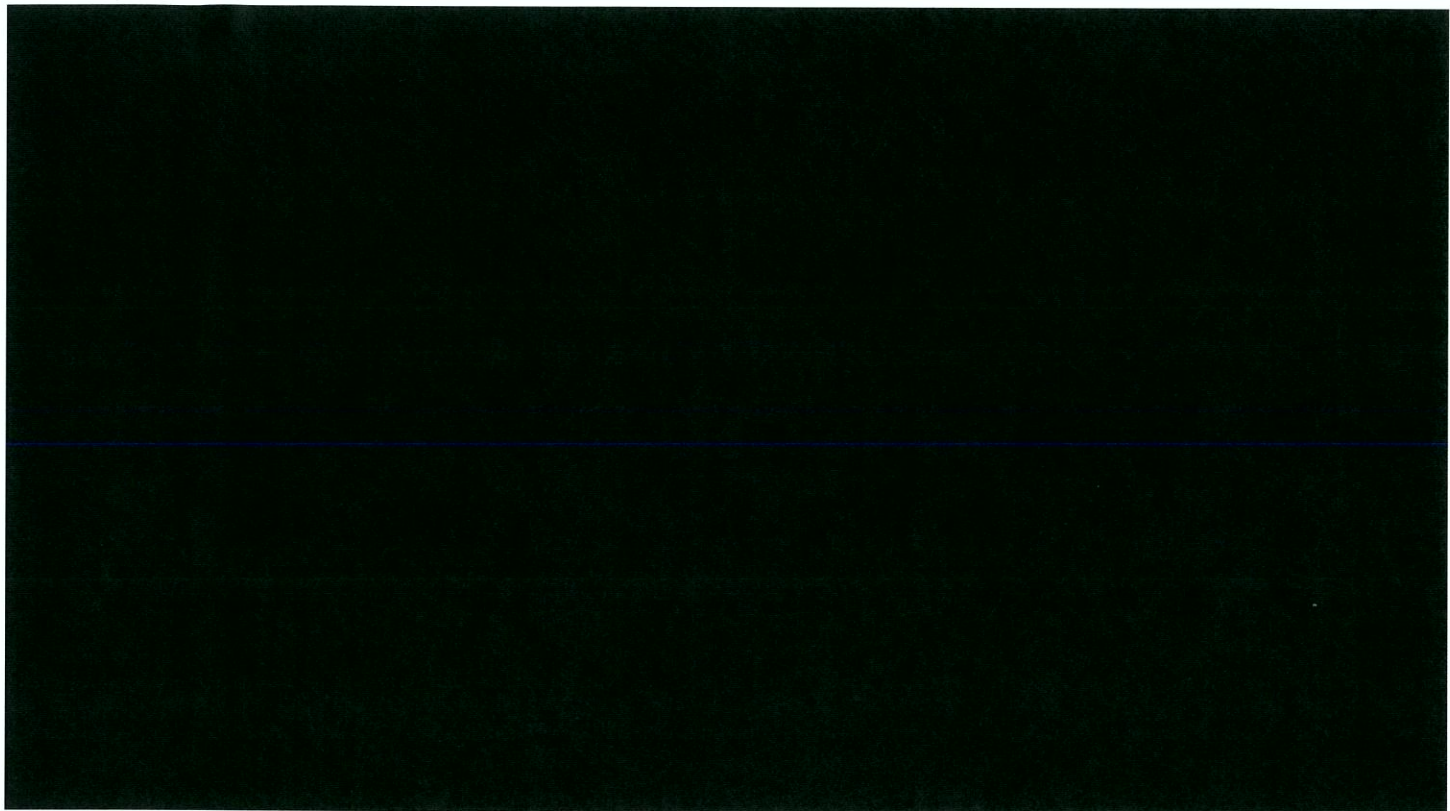
s 33(a)(iii)



- The US Government, through its Ambassador in Australia has made it clear that any US legal action will follow due process, respect the presumption of innocence until proven guilty, and afford all the other protections that the American justice system guarantees.



Material Outside Ambi



Material Outside Ambi

Cleared by:	Annette Willing, Assistant Secretary, Security Law Branch 24 May 2011	Work:	6141 2915
Action Officer:	Melissa Kelly / Laura Munsie		6141 2838 / 6141 2925
Date Created:	2 February 2011	Date Reviewed:	24 May 2011
Equivalent MOB ref number: 4901			

Tudor, Logan

From: Cuthbertson, Shannon
Sent: Wednesday, 8 December 2010 3:59 PM
To: Lowe, Jamie
Cc: Wyman, Lisa; Harmer, Anna
Subject: FW: Assange could face espionage trial in US [SEC=UNCLASSIFIED]

Importance: High

Security Classification: UNCLASSIFIED

UNCLASSIFIED

Hi Jamie

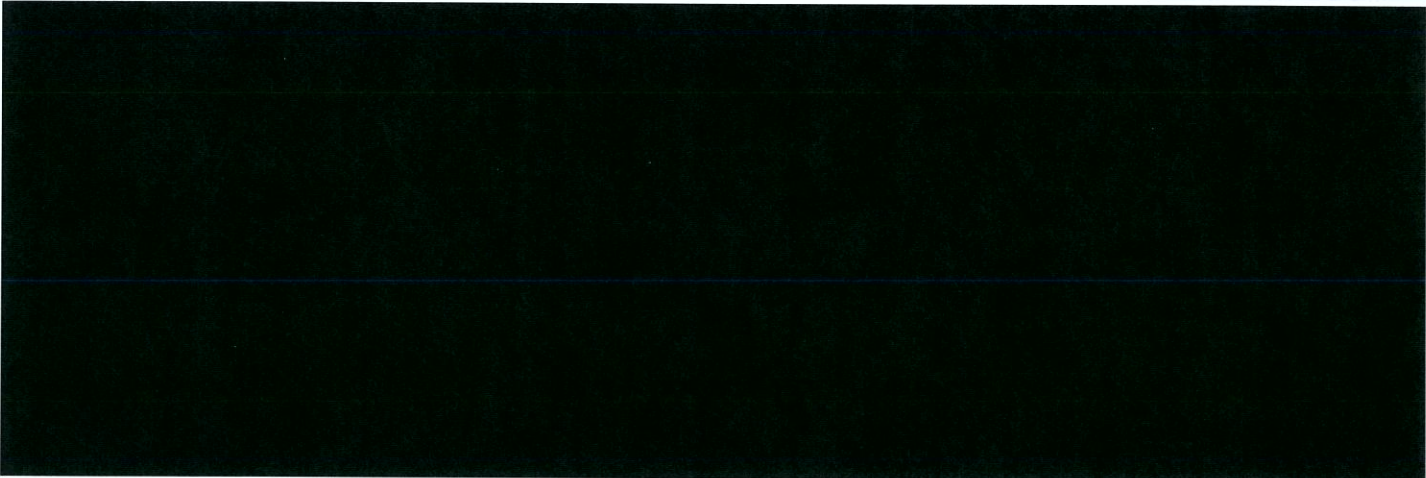
I would be suggesting a response along the following lines:

- Any discussions which might be taking place between US and Swedish officials concerning Mr Assange are a matter for the United States and Sweden in the context of the bilateral relationship between those two countries.
- It would not be appropriate for me to make any comment on the matter.

How does that sound to you?

Shannon

Material Outside Ambit



From: Gleeson, Daniel
Sent: Wednesday, 8 December 2010 3:43 pm
To: Lowe, Jamie; Wyman, Lisa; Harmer, Anna
Subject: FW: Assange could face espionage trial in US [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Jamie, Anna, Lisa,

The AGO is now seeking lines that they could use when they are asked about claims that US and Swedish officials are 'in discussions' on Assange going to the US.

I am not sure what we could say as this process would happen occur independently of us?

The TPs have the following:

- *If an Australian citizen is required to respond to allegations of breaching the laws of another country, they are entitled to due process in doing so.*

Do you have any further suggestions?

Cheers,
Dan

From: Liddell, Ryan
Sent: Wednesday, 8 December 2010 3:23 pm
To: Gleeson, Daniel
Subject: TPs on Assange [SEC=UNCLASSIFIED]

UNCLASSIFIED

And not wanting to load you up... but could we get a couple of lines together on the speculation in the SMH article? What would we do, what needs to happen etc? Obviously all couched in that it's all hypothetical and from a random source.

<http://www.smh.com.au/technology/technology-news/assange-wanted-by-us-for-espionage-offences-20101208-18ouj.html>.

Thanks,

Ryan Liddell
Media Adviser
Office of the Hon Robert McClelland MP
Attorney-General and Federal Member for Barton

P | 02 6277 7300 | [REDACTED] s 47F
W | www.attorneygeneral.gov.au

From: Gleeson, Daniel
Sent: Wednesday, 8 December 2010 2:20 pm
To: Docwra, Peter; 'Noble, Rachel'; Miller, Gregory; Lowe, Jamie
Cc: Harris, Craig; Hendrie, Michele; Heffernan, Tracy
Subject: Assange could face espionage trial in US [SEC=UNCLASSIFIED]

UNCLASSIFIED

Assange could face espionage trial in US

<http://www.independent.co.uk/news/uk/crime/assange-could-face-espionage-trial-in-us-2154107.html>

Daniel Gleeson
Public Affairs Officer
Attorney-General's Department
(02) 6141 2511

[REDACTED] s 47F

CLA

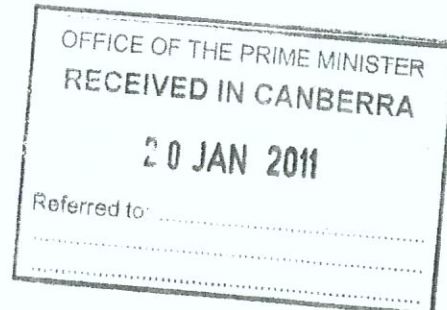


Civil Liberties Australia Inc., Box 7438 Fisher ACT 2611

Ph: 02 6288 6137

Email: secretary[at]cla.asn.au

The Hon Julia Gillard MP
Prime Minister of Australia
Parliament House
CANBERRA ACT 2600



Dear Prime Minister

CLA Australia Day letter 2011

Civil Liberties Australia requests that – on Australia Day 2011 – you publicly express by a media conference and/or media statement the support and backing of the Australian Government, and of yourself, for the Australian citizen Julian Assange.

We request that you openly and publicly state that Australia stands ready to defend, to the absolute limit, the right of Australians to freedom of speech under international law, and particularly that of Mr Assange in relation to his website, WikiLeaks, and its publishing of documents which reveal the perfidy of nations.

Further, we request that you do this by formal letter to the President of the United States, Mr Obama, written and despatched on Australia Day. We request that your letter to Mr Obama also makes it abundantly clear that Australia will resist, to the limit of its ability in international law, any attempt to 'rendition' Mr Assange from Sweden or any other nation to the United States or to its overt or covert 'territories' or 'detention centres', and that any such renditioning of Mr Assange would have dire consequences for agreements between the USA and Australia as to cooperation across all fields, including civil and military.

CLA believes that you, representing the Australian Government, should demonstrate in public your support for Mr Assange because:

- he is an Australian citizen and passport holder, entitled to the support of his government;
- he has had no relevant charges brought against him in relation to the leaked material: he has broken no Australian (as confirmed by the AFP) or international laws;
- his actions are exposing dishonest government practices worldwide, and
- your earlier statements on Mr Assange have cast doubt on your, and your government's, commitment to his civil liberties and human rights: you need to clarify your position to Australians and to the world, particularly to the USA lest it may believe it has your tacit approval to 'rendition' an Australian by purported legal means, or otherwise.

Post, Katherine

From: s 47F [redacted]
Sent: Sunday, 26 December 2010 3:43 pm
To: Attorney General
Subject: Julian Assange

RECEIVED
12 JAN 2011
BY MCU

Dear Mr McClelland, MP,

I do consider the matter I am about to discuss of utmost importance. Julian Assange is currently sought for extradition to Sweden for investigations during which he is to remain incommunicado and have his legal representation gagged. The United States also have an extreme interest in possible extradition under the Espionage Act 1917. All of this, without a single charge having yet been laid against him.

I therefore ask you to hold the Government accountable in initiating immediate suspension of the Extradition Agreement Australia currently has with the United States on it's record of detention abuses and disregard for the Rule of Law. Julian Assange is an Australian citizen. While it is hoped that the UK and European countries will also take up this action, it behoves the Australian Government to be the first to initiate it on Mr Assange's behalf, before any orders are put into effect by the United States. It will be too late after the fact. I would also expect the Department of Foreign Affairs to have some leverage in speaking out against the conditions set under the Swedish Order. Transparency is not being served under those conditions in an unprecedented and disproportionate protocol for the crimes Mr Assange has been alleged to have committed.

I have contacted the Foreign Minister, Kevin Rudd, Sen. Bob Brown, Mr Tony Abbott, and shortly by letter to Ms. Gillard PM on this matter and ask you to raise this issue with her as well.
<http://cyberlaw.org.uk/2010/12/21/un-special-rapporteur-as-statement-on-wikileaks/>

Thank you and I look forward to your response.

Yours faithfully,

[redacted] s 47F

"It is not happiness that makes us grateful, but gratefulness that makes us happy."
Dr. David Steindl-Rast. www.gratefulness.org

<input type="checkbox"/> Priority A (date	<input type="checkbox"/> Reply by McClelland
<input type="checkbox"/> Priority B	<input type="checkbox"/> Reply by O'Connor
<input type="checkbox"/> Priority C	<input type="checkbox"/> Brief required
<input type="checkbox"/> Information	<input type="checkbox"/> Reply by COS
<input type="checkbox"/> In prep	
RECEIVED - 6 JAN 2011	
<input checked="" type="checkbox"/> Reply by AGD	Action Area
	SLB
	Int: 09
	Date: 10.1.11

Date: 12th January 2011.

Concern for Mr Assange.

And supporting Tony Windsor, MP on points of view as our member of parliament for the New England.

Key point of concern this email:

Below is an ABC news article from this morning.

I take it that our parliament is capable of not seeing an Australian citizen subject to the death penalty in the US, or the fear of, when he is not a US citizen, is not in the US military, did not steal the information, and we do not have the death penalty here.

It would seem absurd to give credibility to the concerns expressed and reported in the ABC article below. But on the other hand, with all I have seen with my sister's situation, CFS, whistle-blowing on the BER project at my school, etc, I can not help but have concern that perhaps this could be allowed. Allowed by our parliament and our government.

Naturally and appropriately at this immediate time the national focus is on the terrible Queensland floods, and not on other such issues. I am concerned on the former, and Mr Assange, as well as my immediately family concerns - ongoing!

In regard to my concerns for Mr Assange, I am a little concerned as to what could be allowed to happen through simple "lack of action" while the nation is distracted.

Further more general discussion:

The issues raised by Wikileaks and Mr Assange's activities have been cause for concern, and evidently difficult for governments to form a view of what is acceptable and what is not, particularly if endangering others is involved with the publishing of leaks. With the emergence of Wikileaks, all are in new territory in terms of what is acceptable, what is not, what is reckless behaviour, what is not. What is the good, what is harmful, and what will be the future outcomes of Wikileaks if it continues? I note people felt the same with the proposal of democracy. The people deciding, uneducated! Not a king? How could that work!

I have concern that only one half is being considered in the current fear driven environment. The possible .. and not yet confirmed, harm. In consideration to the fear of harm, I think the assessment needs to include, is there good being done with the principal of some openness of information. That, after all, is what whistle-blowing is about. Good fitting with the principles of open government and freedom of information that we believe in as fundamental and foundational to a robust open democracy and fair western world. Um .. or under fear of terrorism, has that now changed?

I am only a citizen, but I can not help note that since one of the Wikileaks concerning China and its position with North Korea, it seems that North Korea has pulled its head in considerably from its clear trajectory of increasingly aggressive posturing with South Korea. Is this change related to the Wikileak revealing that China has been close to stepping back from support to North Korea. The change in North Korea seems coincident with the leak from Wikileaks. In which case, has the open information changed significantly the probability of a war these two half nations - for the better?

It leads me to wonder if in this Wikileaks situation there is any room for an accounting of the potential good to be done, along with all the concerns through the input of some increased transparency and freedom of information on the international stage.

Perhaps more importantly to the case of Mr Assange is how much balance is the US capable of re Wikileaks in considering such positive outcomes with the negative. Is the US in danger of focusing on people like Mr Assange as the primary enemy to be pursued at all cost (as it seems), when they are not the real enemy? I hold concern listening to the rhetoric coming out of the US, and the reports of their very determined actions re Mr Assange that this in fact is what is happening.

And how much is embarrassment and loss of pride involved???

These questions of the US's response is our national business, as Mr Assange is an Australian citizen. Just as the US and its citizens exercises great concern for the rights of its citizens elsewhere in the world, even if they have done wrong - as they should.

I do not particularly want to have to raise such issue and concern, but I feel compelled by real concern and see so much apathy exists, and with that apathy I fear for fair treatment and appropriate robust defense of Mr Assange.

For instance, I see no indications of similar concern being exercised by our government, as the US would be doing so in protection of Mr Assange if he was one of their citizens doing this same task, but having received and published leaks say from the USSR, China, North Korea or Iran. They would be the ones seeking to then close down Wikileaks and assassinate its founder. So perhaps who seeks the death of this man, is simply the chance of which country had citizens leak on them first. Perhaps it is that arbitrary!

Leaks from other countries may follow in time if the Wikileaks site remains, balancing the equation of public exposure. I personally was looking forward to that. A safe place for people residing in oppressive regimes to be able to safely leak information in good conscience in the interest of their people, and humanity more generally, to a government independent and integral site. What good could be done? How much suffering saved, as the lies enabling mass persecution and false posturing are exposed.

The world population reaches 7 billion this year. I am not sure how much humanity can afford to be acting as it has in the past. Secrecy is necessary at some level in all governments, but also where ever great harm oppression and evil is perpetrated, secrecy has been the key to enable such. How do we find the correct balance?

If Mr Assange is seeking to find that balance, does that make him an enemy of the State? In a free western society? As an Australian citizen? Remember, Mr Assange receives leaked material, not arranges to go in and steal it. He channels it through independent review, and provides opportunity for those it concerns to preview and identify information that would put the lives of individuals in danger. Or so I understand from the public record. If correct, I do not quite see this as the behaviour of a terrorist or enemy of the State. An impassioned individual pushing the boundaries with internal integrity of belief and purpose, yes, that would appear to be the character of the situation here.

My concern for a fair and balanced response to Wikileaks and Mr Assange remains.

Regards,

 s 47F



Wikileaks founder Assange fears death penalty

By Europe Correspondent [Emma Alberici](#)

Updated 3 hours 31 minutes ago

Wikileaks founder Julian Assange says he fears the death penalty if he is sent to face charges in the United States.

Mr Assange was in a London court overnight fighting against extradition to Sweden.

District Judge Nicholas Evans granted permission for the defence to release its legal arguments against extradition.

Mr Assange is wanted in Sweden to face sexual assault charges.

But his lawyer, Mark Stephens, is concerned that Swedish authorities will hand him over to the United States.

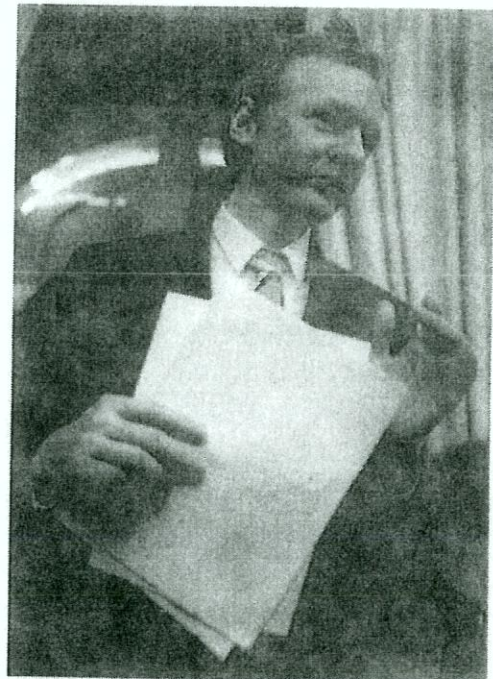
"The greatest fear has to be that they'll trump some charge up which will put him in the electric chair," Mr Stephens said.

Mr Assange has vowed to publish a new wave of US Government cables.

He says his whistleblowing work continues unabated by the legal proceedings against him.

Tags: [world-politics](#), [law-crime-and-justice](#), [sweden](#), [united-kingdom](#), [united-states](#)

First posted 5 hours 24 minutes ago



Mr Assange has vowed to publish a new wave of US Government cables. (Reuters : Valentin Flauraud)



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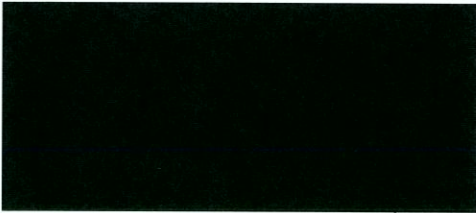
NSW Retired Teachers Association

21 Boyd Avenue,
WEST PENNANT HILLS
NSW 2125
13 December, 2010

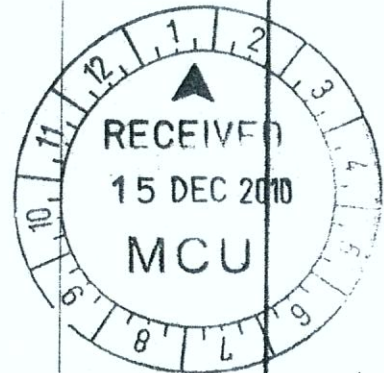
Prime Minister Australia,
Dear Ms Gillard,

The RTA is alarmed at the attempt, by some Governments, to stifle free speech, as a result of the Wikileaks revelations. We would oppose any attempt to transfer Julian Assange to Sweden, with the probability of rendition to the USA. We point out that Assange is an Australian citizen who is entitled to full Australian diplomatic assistance. The offence he is supposed to have committed in Sweden would not justify his removal to that country.

Yours faithfully,



S 47F



Windsor, Tony (MP)

From: s 47F [REDACTED]
Sent: Wednesday, 8 December 2010 11:39 AM
To: Windsor, Tony (MP)
Subject: Freedom of speech

Dear Mr Windsor,

I am very concerned at the current events and wonder the value of my Australian citizenship. This is my birthplace.

I value highly the freedoms of this country and had an uncle who gave his life for this country in WW2. The treatment of Julian Assange is concerning in

particular the lack of support by the Prime Minister and government . Surely, he is entitled to the presumption of innocence until proven otherwise.

Apparently there were grave concerns regarding the handing over of a proven (by our justice system) murderer to the USA recently yet this current

government does not seem to care how the USA government might treat this man ,should he be deported there, who may not have broken any laws in

regard to wikileaks. Does this government intend prosecuting the Australian, Age, herald Sun.etc.? and is pressure being bought upon them not to publish?

I am hopeful that as a member of the government you can show true leadership in this case and reassure me and others that our politicians value freedom of

Speech .

Regards

[REDACTED] s 47F

Windsor, Tony (MP)

From: s 47F [REDACTED]
Sent: Friday, 10 December 2010 10:41 AM
To: Windsor, Tony (MP)
Subject: Defend Julian Assange

Subject - Defend Julian Assange

I am appalled at the Prime Minister's unwarranted attacks on Julian Assange & her spineless support of the USA , a country which is proven to indulge in torture & officially sanctioned state murder.

With the exception of Kevin Rudd, our Government's silent acquiescence to America, with calls by many of its politicians & supposedly respected citizens for Mr Assange to be murdered, is disgusting & frightening.

Mr Assange is an Australian citizen who deserves & is owed the fullest protection by our country. If he does not get that, what is the value of being Australian?

He appears to have committed no crime, neither espionage nor rape. If he has committed a crime it must be dealt with via legal judicial process.

He has merely carried out his function as a journalist & shone light where it desperately needs to be, he has done no more than the majority of the worlds most respected newspapers & electronic news reporters, he has simply been more effective.

To allow him to be extradited to Sweden, a country complicit in USA's illegal kidnapping & torture activities on extremely dubious charges, would be condemning him to inevitable torture & probable death.

I call on you to bring all of your power & energy to bear on both our Government & the international legal processes to defend him to the full extent of the current law & to resist any attempts by the USA to prosecute him or anyone else under retrospective legislation.

I am a classical swinging voter who allocates his vote based on the issues I am concerned about. At the next election this issue coupled with the abandonment of any internet censorship proposals will be primary considerations in my voting choice.

Thank you, [REDACTED] s 47F

Kerr, Yvette

From: paul.considine@pmc.gov.au
Sent: Thursday, 9 December 2010 7:32 pm
To: Ag Referrals
Subject: Ministerial Correspondence Referral from PM&C. C10/83512 [SEC=UNCLASSIFIED:NO CAVEATS]

The below correspondence addressed to the PM was received by PM&C and has been referred for your Minister's consideration. Thank you.

Reader: Considine, Paul
Date of letter: 09 Dec 10 06:02:39
PMC ID: C10/83512

Title: [REDACTED]
First Name: [REDACTED]
Last Name: [REDACTED]
Email: [REDACTED]
Street Address: [REDACTED]
Suburb: [REDACTED]
State: [REDACTED]
Post Code: [REDACTED]
Country: Australia

All deletions made pursuant to section 47F

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 10 2010	
ACTION AREA	
mw	
09	
13.12.10	

Julian Assange

Subject - Julian Assange

Message - Dear Prime Minister,

As you are fully aware, Mr Julian Assange is presently in police custody in London in response to legal requests from Sweden re charges of rape.

Sweden is seeking that he be extradited to that country to face court.

I urge you and your government to do everything in your power to resist Sweden's request on the basis that the charges are politically motivated (Assange has given Sweden every assistance in this matter previously).

It is highly likely that Mr Assange will be extradited to the USA if he leaves Britain for any purpose, and it is absolutely vital that you to raise this matter with the UK Government at the highest level, to protect Mr Assange's safety and well being.

High ranking people in the USA have called for Mr Assanges "Execution" for "Crimes" which they have failed to specify, and this whole matter has political motives of the "lowest" order.

Please ensure you do your duty on behalf of an innocent Australian.

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

Clifton, Jacob

From: Attorney Correspondence
Sent: Monday, 7 November 2011 2:34 PM
To: Clifton, Jacob
Subject: FW: Protect Julian Assange from being extradited [SEC=UNCLASSIFIED]
Attachments: ~WRD000.jpg

UNCLASSIFIED

s 47F

s 47F

From: [REDACTED]
Sent: Monday, 7 November 2011 12:47 PM
To: Attorney Correspondence
Subject: Protect Julian Assange from being extradited

On Behalf Of [REDACTED]

Greetings

I just signed the following petition addressed to: Australian Parliament.

Protect Julian Assange and other citizens from being put to death overseas

Dear Prime Minister Julia Gillard,

I am writing to ask you to immediately intervene with the case of Julian Assange.

As you know, on November 2, 2011, Britain's High Court gave their verdict against Mr. Assange's appeal to be extradited to Sweden to face sex crime allegations. The reports of him being sent to Sweden and then hand over to the US to be trial and possibly executed is becoming a true nightmare and is calling for your attention to act and act now.

Since Julian Assange is an Australian citizen, it is stated that in Australian Law under the Australian Extradition Act, a person cannot be deported from Australia to face prosecution on a capital charge if there is the slightest chance they would face the death penalty. Before deportation, there must be an assurance the death penalty will not be imposed. The extradition laws reflect Australia's bipartisan opposition to the death penalty.

Which means that if any Australian citizen who is accused of murder, rape, drug trafficking or whatever the case maybe in another country, in this case, Sweden, they cannot by all means be extradited to any country that they (the accused) may be face the death penalty which is in the US. And also, the U.S has not charged him with any crime.

Once again, I'm writing to you asking you to intervene and protect your own citizen. As you are part of the Australian Government, you represent Australia, all day, every day. You represent solving the problems in Australia and helping the Australians. And with all Australians living there or living abroad, you support them. Even if they are facing legal problems as well as the death penalty, you as Australia would step in stop any Australians who face that dilemma.

Please keep your word.

Yours sincerely,

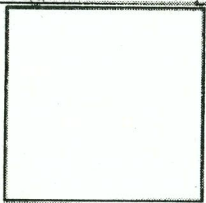
Sincerely,

[Redacted]

s 47F

Sydney, Australia

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/prime-minister-julia-gillard-protect-julian-assange-from-being-extradited. To

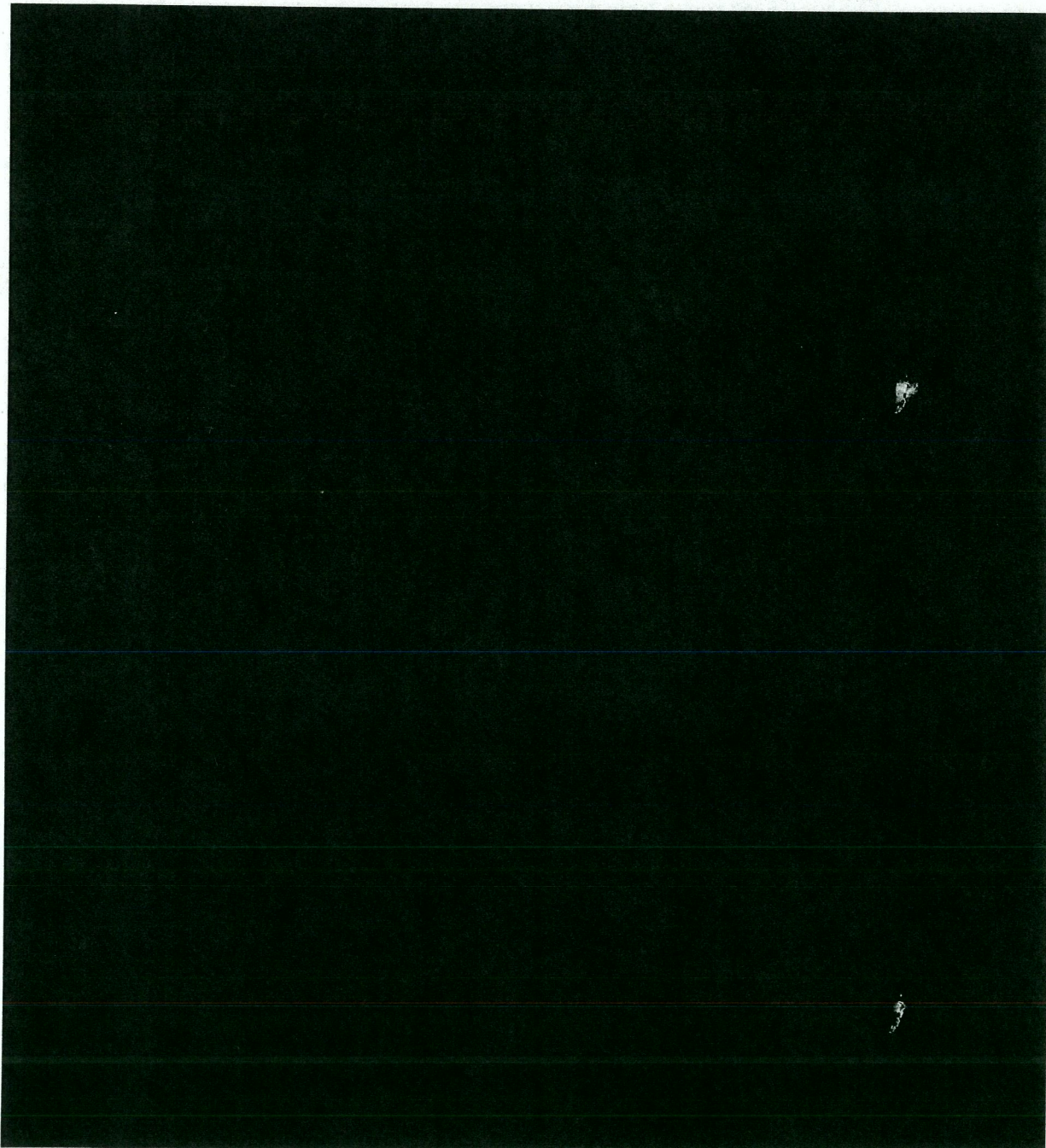


respond, email responses@change.org and include a link to this petition.



PARLIAMENT OF AUSTRALIA - THE SENATE
GOVERNMENT WHIP

SENATE NOTICE OF MOTION ADVICE FORM



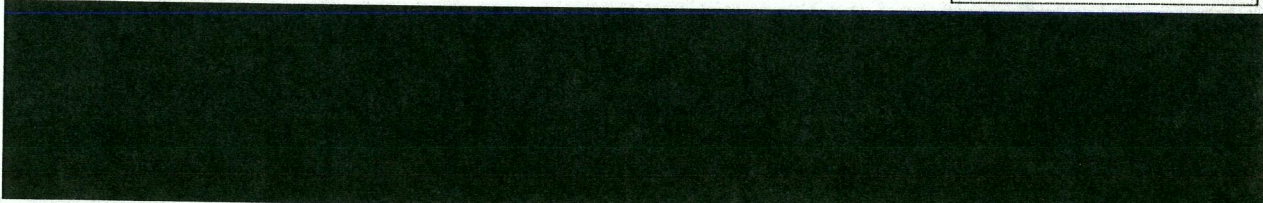
Material Outside Ambit

NOTICE OF MOTION

SENATOR LUDLAM

I give notice that on 2 November 2011 I shall move that the Senate

Material Outside Ambit

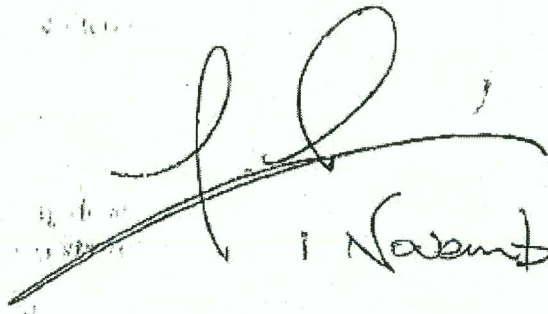



2. Calls on the government to ensure that

Material Outside Ambit



b) If extradited to Sweden for questioning, Mr. Assange not be subject to further extradition from Sweden to the USA under a bilateral agreement to which Australia is not party.


1 November 2011

Lodged (12)
11-11


From: Giugovaz, Caterina [mailto:Caterina.Giugovaz@pm.gov.au]
Sent: Thursday, November 10, 2011 06:56 AM
To: PMO - RTW <RTW@pm.gov.au>; Rudd Media <rudd.media@dfat.gov.au>; Desmond Ko <Desmond.Ko@ag.gov.au>
Subject: SMH: Assange mother to protest at Obama visit [SEC=UNCLASSIFIED]

Assange mother to protest at Obama visit

The mother of Australian-born whistleblower Julian Assange on Wednesday said she would picket a visit of US President Barack Obama to the capital, Canberra, to rally support for her son.

Christine Assange said she would take protests in support of the founder of WikiLeaks to Parliament House next Thursday, where Obama is due to address a special sitting of lawmakers under extremely tight security.

"I'll get as close as I can," she said.

Assange's anti-secrecy website has enraged governments around the world by dumping hundreds of thousands of confidential US diplomatic cables on the Internet.

His mother fears he will be rendered to the United States after recently losing a fight against his extradition from Britain to Sweden, where he is wanted for questioning on allegations of rape and sexual assault.

"I'm asking Australians around the country on November 17th to refuse to celebrate the Obama visit, and instead replace it with a day of support for Julian," she told the AAP news agency.

"Both political parties have been spineless in standing up to the US over this," Assange's mother added of the Australian government's response to his case.

"Whatever the US wants, the Gillard government is handing it over. And the opposition isn't much better."

Australia has been providing Assange with consular support and though it has made its "expectation of due process" clear to Britain and Sweden, the foreign ministry has warned it "cannot directly intervene in legal processes of other countries."

Obama's visit will be the first by a US president since former leader George W Bush was in Australia for the Asia Pacific Economic Cooperation (APEC) forum in 2007.

Obama had to cancel two previous trips Down Under, once because of the Gulf of Mexico oil spill and the other to oversee passage of domestic health reforms.

The president's visit on November 16 and 17 will mark the 60th anniversary of the military alliance between Australia and the United States and stress an increasing US diplomatic and military focus on the Pacific region.

Obama will travel to the Indonesian resort island of Bali afterwards for the East Asia summit.

AP

Read more: <http://www.smh.com.au/technology/technology-news/assange-mother-to-protest-at-obama-visit-20111109-1n7a1.html#ixzz1dEw9nMKX>

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