



**The Parliament of the  
Commonwealth of Australia**

**Report of the Australian Parliamentary Delegation  
to Indonesia and Singapore by the  
Senate Standing Committee on  
Legal and Constitutional Affairs (Legislation)  
June – July 2010**

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## Composition of the Delegation

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## Foreword

Between 5 and 9 July 2010, I was pleased to lead the Australian Parliamentary delegation of the Senate Standing Committee on Legal and Constitutional Affairs – Legislation to Singapore and Indonesia to examine the regional laws that underpin our counter terrorism response.

Australia continues to build coordinated and cooperative relationships across the Asia-Pacific region to respond to national security threats. Terrorism and organised crime threats in particular require a strong legal regime that provides effective powers and the ability to prosecute those responsible for terrorist acts.

The key purpose of the visit was to discuss with Australia's counterparts the efforts to respond to the threat posed by terrorism and specifically to review the legislative regimes that both Singapore and Indonesia have enacted over recent years.

The visit to Singapore included substantive discussion about the challenges for counter-terrorism that lie ahead. This included an overarching need to focus on the utilisation of the internet as a tool to radicalise individuals into a life of terrorism. The committee also focused discussions on the range of tools that are required to invest in rehabilitation programs for those people who have become involved in terrorist activities.

The visit to Indonesia exposed the committee to the extensive collaboration that is being undertaken by Australia across Indonesia in response to the terrorist threat. The committee explored the legislative responses that Indonesia has and continues to develop to continually respond to the threat. The need for a strong intelligence and law enforcement capacity as well as the importance of Australia and Indonesia cooperation was a strong theme throughout the visit.

The committee's visit also provided an opportunity for the Australian Parliament to renew and develop contacts with neighbouring parliaments in Singapore and Indonesia. The committee relished the opportunity to have constructive discussions with counterpart parliamentarians. This included extensive discussion with counterpart parliamentary committees looking at counter terrorism and criminality issues as well as analysis of respective committee structures and the way in which inquiries are undertaken and legislation adopted.

This visit to Singapore and Indonesia was very successful. The delegation has returned to Australia with strong ideas about the future of Australia's counter terrorism legislative responses as well as ideas for the future of Australian Senate committee inquiries.

**Senator Trish Crossin**  
**Delegation Leader**





# Chapter 1

## Background to the Delegation

1.1 This report outlines the activities, observations and conclusions arising from the Australian Senate Standing Committee on Legal and Constitutional Affairs (Legislation) official visit to Singapore and Indonesia (Jakarta and Semarang) between 5 and 9 July 2010.

### Background to the Delegation

#### *Annual Parliamentary Delegation to the Asia-Pacific Region*

1.2 As part of the Parliament's outgoing delegations program, the former Prime Minister, the Hon Kevin Rudd MP, agreed to an annual parliamentary committee visit to two Asia-Pacific countries. The annual visit provides one committee with the opportunity to explore issues relevant to its work within two neighbouring countries.

1.3 The program is also designed to enable stronger Australian Parliament relations within the Asia-Pacific region. Funding for the visit is provided by the Department of Finance and Deregulation.

1.4 On 9 February 2010, the Senate Standing Committee on Legal and Constitutional Affairs (the committee) submitted a proposal to visit Singapore and Indonesia to review their counter terrorism responses. The proposal application is at Appendix A.

1.5 Based on the committee's significant work in reviewing counter terrorism legislation over the past few years, the application outlined the need to better understand Singapore and Indonesia's legislative approaches. The committee considered that visiting these two neighbouring countries would provide important lessons and comparisons to be applied in the Australian context. Further, the committee considered this visit was fundamental in appreciating the continued threat posed by terrorism in the Asia-Pacific region.

1.6 The committee also wanted to understand how other parliamentary committees are engaging with the public, key stakeholders and government departments in reviewing counter terrorism legislation.

#### *The Committee's Counter Terrorism Work*

1.7 Since 11 September 2010 the committee has been involved in inquiring into a range of counter-terrorism related legislation.

1.8 During the 42<sup>nd</sup> Parliament, the committee conducted several inquiries into terrorism related legislation and references culminating in the consideration of the 2009 Anti-Terrorism Laws Reform Bill.

1.9 Further, the committee's role in overseeing the portfolios of the Attorney-General's Department and the Department of Immigration and Citizenship has consistently raised a number of issues relating to counter terrorism responses. The committee's questioning of agencies in the annual Budget Estimates hearings, for instance, has previously raised the Australian Government's work with Singapore and Indonesia in responding to the terrorist threat.

1.10 The committee also regularly inquires into bills and issues that are intimately connected with counter terrorism including immigration; customs and border security; criminal law; and serious and organised crime. The aim of the committee's visit to Singapore and Indonesia was therefore based on a significant amount of relevant work undertaken over recent years and the need to pause and reflect before undertaking further analysis of legislation in the 43<sup>rd</sup> Parliament.

### **Aims and Objectives of the Delegation**

1.11 The primary aim of the delegation was to examine the most recent counter terrorism initiatives in Indonesia and Singapore to inform the continued development, administration and maintenance of terrorism related laws and strategies in Australia.

1.12 The secondary objective of the visit was to enhance regional cooperation on terrorism by promoting inter-parliamentary relationships and information exchange between Australia, Indonesia and Singapore.

### **Acknowledgements**

1.13 Many people assisted the committee's visit to Singapore and Indonesia in a range of ways. The committee expresses its appreciation to all those involved. In particular, the committee would like to thank the following individuals and organisations:

- Ms Fiona Way and Ms Onu Palm from the Parliamentary Relations Office who facilitated the logistics of the committee's visit at short notice;
- The Parliamentary Library for their background briefing as well as officers from the Attorney-General's Department and the Department of Foreign Affairs and Trade who briefed the committee prior to departure;
- All officers who met with the committee from the Australian High Commission in Singapore including the High Commissioner Mr Doug Chester and particularly the First Secretary, Dr Anton Alblas, who tirelessly provided arranged and accompanied the delegation throughout its time in Singapore.

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- All officers who met and briefed the committee from the Australian Embassy in Indonesia including the Charge D' Affairs Mr Paul Robilliard and especially Mr Glen Askew, First Secretary who went above and beyond the call of duty to support the delegation achieve its desire objectives.

1.14 The committee also records its appreciation to all of the people that took the time to discuss their work and for their hospitality and courtesy extended to the committee during its visit to Singapore:

- Dr Harrison and Ms Jerard from the International Centre for Political Violence and Terrorism Research;
- Members of the Singapore-Australia Parliamentary Friendship Group
- Representatives from the Harmony Centre at An-Nahdhah Mosque especially the Dean of the Islamic Religious Council of Singapore Dr Albakri and the Head of the Harmony Centre Mr Ustaz;
- Professor Hor from the National University of Singapore;
- His Excellency, Professor Jayakumar, Senior Minister and Coordinating Minister for National Security in Singapore;
- Representatives from the National Security Coordination Centre;
- Dr Hong and Mr Fong from the Parliamentary Committee for Home Affairs and Law.

1.15 The committee also records its appreciation to all of the people that took the time to discuss their work and for their hospitality and courtesy extended to the committee during its visit to Indonesia:

- Representatives from the Anti-Money Laundering Delegation from Commission III of the House of Representatives;
- Dr Bush from the Asia Foundation, Ms Jones from the International Crisis Group and Mr Su'adi from the Wahid Foundation;
- Representatives from the Jakarta Centre for Law Enforcement Cooperation;
- His Excellency Mr Gusman and His Excellency Dr Ida from the Regional Representative Council;
- His Excellency Mr Akbar, Minister for Law and Human Rights;
- Representatives from the Australia-Indonesia Facility for Disaster Reduction;
- Mr Mbai, Inspector General for Counter Terrorism, Ministry for Political, Legal and Security Affairs.

## **Structure of this report**

1.16 Given the confidential nature of some of the committee's briefings on counter terrorism responses, this report takes a high level overview of some of the key thematic areas that were discussed during the visits to Singapore and Indonesia.

1.17 This Chapter provides a background the committee's visit to Singapore and Indonesia, provides a brief overview of the committee's work regarding counter terrorism and acknowledges those who assisted in establishing the committee's visit.

1.18 Chapter Two provides a brief introduction to Singapore followed by an outline of the major issues canvassed in the visit.

1.19 Chapter Three provides a brief introduction to Indonesia followed by an outline of the major issues canvassed in the visit.

## Chapter 2

### Singapore

2.1 This chapter briefly outlines Singapore's political, social and economic situation, its counter terrorism arrangements and records the substance of meetings held during the committee's visit.

#### Country Brief<sup>1</sup>

2.2 The Republic of Singapore is a small island 42 kilometres long and 23 kilometres wide between Indonesia and Malaysia. Singapore is separated from Malaysia by the Strait of Johor and from Indonesia by the Strait of Singapore. Singapore's population is 4.9 million (2009 data) consisting of approximately 1.2 million foreigners, including approximately over 20 000 expatriate Australians.

2.3 The ethnic composition of Singapore consists of approximately 75 per cent Chinese, 13 per cent Malay and 9 per cent Indian. Singapore has four official languages – Chinese (Mandarin), English, Malay and Tamil. English is the language of administration and commerce.

#### System of Government

2.4 Singapore is a republic, with a parliamentary system of government and an elected President and Head of State. The Singapore Parliament has a single house, which is elected by general election every five years. The Parliament and the President of Singapore are known as the Legislature. Parliament first sat on 8 December 1965, with the first general election on 13 April 1968. The Parliament consists of 84 elected MPs, one non-constituency MP and nine nominated MPs who represent various professional and business sectors. The judiciary administers the law independently of the Executive.

2.5 The People's Action Party has held power since 1959, winning eleven successive general elections. The last general election was held on 6 May 2006. The next election is by February 2012. There are three elected opposition members in the current Parliament and from 2011, there will be a guaranteed minimum of nine opposition seats in Parliament. The President of Singapore is His Excellency Mr Sellapan Rama Nathan. The President appoints the Prime Minister. Since 2004, the Prime Minister has been Mr Lee Hsien Loong. On advice from the Prime Minister, the President appoints MPs to form a Cabinet. The Prime Minister and Cabinet are answerable to the Parliament.

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1 Much of the data and factual information presented throughout the chapter has been provided by the Department of Foreign Affairs and Trade.

## **Australia's Relationship with Singapore**

2.6 The bilateral relationship with Singapore is one of Australia's closest and most comprehensive in South-East Asia. Throughout the committee's visit to Singapore, Senators did not meet with one person who did not have a familial, education or work related link to Australia. The closeness of the economic, social and political links between Australia and Singapore were immense and served to demonstrate the continued importance of the Australian and Singaporean political, economic, social and cultural relationship.

2.7 Some key examples of Australia's relationship with Singapore include:

- (a) the establishment of a biennial Singapore-Australia Joint Ministerial Committee and a strong history of ministerial bilateral visits;
- (b) a bilateral defence relationship including Singapore's access to Australia for military training as well as joint military training;
- (c) Singapore is Australia's largest trade and investment partner in the Association of South East Asian Nations a trade relationship underpinned by the Australia - Singapore Free Trade Agreement;
- (d) approximately 10 000 Singaporean nationals are enrolled in Australia's education institutions; and
- (e) over 280 000 Singaporeans visit Australia each year and close to 500 000 Australians visit Singapore each year.

## **Singapore's Response to Counter Terrorism**

2.8 Singapore has a strong approach in responding to terrorism and national security threats. The overarching responsibility for Singapore's response rests with the Coordinating Minister for National Security with whom the committee met in Singapore (details of the meeting are outlined below). The Coordinating Minister for National Security also has responsibility for coordinating Singapore's national security strategy as well as contingency planning in the event of a terrorist attack.

### *Agencies involved in Singapore's Counter Terrorism Response*

2.9 The key Singaporean agencies involved in responding to terrorism include:

- (a) the National Security Coordination Secretariat (NSCS) which is located in the Prime Minister's office, under the responsibility of the Permanent Secretary (National Security and Intelligence Coordination);
- (b) the Ministry of Home Affairs (MHA), which sits under the portfolio responsibility of the Deputy Prime Minister and Minister for Home Affairs. The MHA is an umbrella department encompassing operational agencies with responsibility for internal security, criminal investigation, crime prevention and enforcement, and custody and rehabilitation agencies, including the police, civil defence force, and domestic

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intelligence services. The MHA coordinates the operational response to security threats, including through contingency planning and developing emergency preparedness;

- (c) the Internal Security Department (ISD) within the MHA is the lead counter-terrorism agency in Singapore. ISD has both intelligence collection and executive functions. It collects and analyses intelligence and presents its assessments and policy recommendations to government. It also investigates and can take direct action in relation to the defined security threats of terrorism or politically motivated violence, foreign subversion, espionage and “communal extremism”;
- (d) the Singapore Police Force with a regular force of around 10,000 persons and a pool of national servicemen of 24,000, has primary carriage of maintaining law and order in Singapore; and
- (e) the Ministry of Defence and Singapore Armed Forces play an increasingly active role in homeland security, particularly counter terrorism.

### *Singapore's Counter Terrorism Key Legislative Framework*

2.10 A key facet of Singapore's counter terrorism law is the Internal Security Act (ISA). The ISA includes the power of indefinite detention without trial in certain defined circumstances such as the protection of public security and safety or the maintenance of public order.

2.11 The ISA authorises the Minister for Home Affairs, with the consent of the President, to order detention without filing charges if it is determined that a person poses a threat to national security.

2.12 Indeed, during the committee's visit to Singapore, the fact that a national serviceman, Mr Muhammad Fadil Abdul Hammad was detained under the ISA was made public by the Singaporean Government. According to the Straits Times:

A Singaporean who made online contact with a suspected Al-Qaeda recruiter and wanted to embark on armed jihad overseas has been detained.

The Ministry of Home Affairs (MHA) said yesterday that full-time national serviceman (NSF) Muhammad Fadil Abdul Hamid was arrested on April 4 and will be detained for two years under the Internal Security Act (ISA).

Fadil began zealously surfing the Internet for jihadist propaganda and videos while studying for jihadist propaganda and videos while studying in a local polytechnic – a course which he did not complete.

He later made contact online with a known radical Anwar Al-Awalki, and with an Al-Qaeda recruiter who encouraged him to fight in Afghanistan.

Yesterday, MHA said when Fadil contacted Awlaki online, he expressed a desire to fight alongside him, and to join in militant jihad overseas.<sup>2</sup>

2.13 The utilisation and effectiveness of the ISA was a key topic of discussion throughout the committee's visit to Singapore. Further information about the ISA is canvassed below.

2.14 Other key laws that form part of Singapore's response to the threat of terrorism include:

- (a) *Terrorism (Suppression of Financing) Act 2002*: prohibits material and financing support to terrorists or terrorist organisations;
- (b) *Terrorism (Suppression of Bombings) Act 2007*: makes it an offence to plan or carry out bombings of certain public or essential facilities;
- (c) *Public Order Act 2009*: prohibits gatherings without permission which glorify or promote terrorist acts;
- (d) *United Nations (Anti-Terrorism Measures) Regulations 2001*. Made under the *United Nations Act 2001*, the regulations implement United Nations Security Council Resolution 1373 (2001). These provisions were largely superseded by the *Terrorism (Suppression of Financing) Act 2002*; and
- (e) *Monetary Authority of Singapore (Anti-Terrorism Measures) Regulations 2002*. Prohibits financial institutions from financial dealings with terrorists or terrorist organisations.

## **Issues Discussed in Detail in Singapore**

### ***Australian High Commission, Singapore***

2.15 The formal program commenced with a briefing at the Australian High Commission in Singapore. In this briefing, the committee discussed the collaborative work program with Singapore on a range of counter terrorism related issues. For instance, the committee heard about the role of the Australian Federal Police and the Australian Department of Immigration and Citizenship's bilateral engagement particularly regarding the conduct of joint capacity building exercises with Singapore throughout the region. The committee noted the joint investigatory work that is undertaken between police agencies.

### ***National Security and Counter Terrorism in Singapore***

2.16 The committee met with the Senior Minister and Coordinating Minister for National Security, Professor Shunmugam Jayakumar, who outlined Singapore's strong response to national security particularly since 11 September 2010. Professor

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2 'National Serviceman Detained Under ISA', *The Straits Times*, Wednesday 7 July 2010, p. 1.



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Jayakumar highlighted the ongoing dialogue with the Australian Government about national security issues and provided an outline of the ISA.

### *National Security Coordination Secretariat*

2.17 Building on discussions with Professor Jayakumar, the committee had an in-depth briefing by members of the National Security Coordination Secretariat (NSCS). The NSCS falls under Professor Jayakumar's responsibilities and is responsible for coordinating day-to-day national security policy and intelligence issues at the official level lies with the NSCS.

2.18 The NSCS comprises two operational agencies:

- (a) the National Security Coordination Centre (NSCC) which undertakes national security planning and policy coordination as well as strategic threat assessments, intelligence and surveillance; and
- (b) the Joint Counter-Terrorism Centre (JCTC) which is a strategic analysis unit which promotes coordination and whole of government responses at its core.

2.19 The committee was briefed on the whole of government efforts to respond to the threat posed by terrorism including:

- (a) target hardening key critical infrastructure; and
- (b) social resilience and building social cohesion.

2.20 The committee discussed the comparisons between the Australian counter terrorism and national security arrangements and the respective committee and management systems in Singapore. The committee noted the significant similarity between the key issues that Singapore and Australia are currently grappling with including legislative challenges.

2.21 The committee discussed the threat posed by certain individuals who have become radicalised as opposed to more traditional 'Al-Qaeda' like terrorist groups. The committee also discussed the increasing focus on internet and cyber security as well as a focus on social resilience such as promoting inter-faith dialogue.

2.22 The committee noted the significant cooperation between the Australian Federal Police and the Singapore Police Force in previous and ongoing investigations.

### ***Terrorism Research***

#### *International Centre for Political Violence and Terrorism Research*

2.23 The committee received a comprehensive briefing from Dr John Harrison and Ms Jolene Anne Jerard from the International Centre for Political Violence and Terrorism Research (ICPVTR) about the range of innovative research programs that the centre is currently working on.

2.24 The ICPVTR is a specialist centre within the S. Rajaratnam School of International Studies (RSIS) at Nanyang Technological University (NTU). ICPVTR conducts research, training, and outreach programs aimed at reducing the threat of politically motivated violence and at mitigating its effects on the international system.

2.25 Of particular interest to the committee was the wide range of in-depth research into terrorist profiles. This included a discussion on the development of a 'global pathfinder' database that ICPVTR has built. The database provides a powerful resource that categorises the types of terrorist groups, modus operandi, personality traits, incidents, news and a materials repository to build a stronger understanding of who, what and how terrorist groups are operating throughout the world.

2.26 The committee discussed the strong role that research institutions can play in providing practical materials as one tier in a multifaceted response to terrorism. ICPVTR outlined the development of materials to provide local radical leaders in Islamic pesantren with information to respond to their teachings. One such example is the provisions of a complete rebuttal to the justifications of the 2002 Bali bombings.

2.27 The committee also discussed counter terrorist financing and engagement with the banking sector; linkages between organised crime and terrorism; research into jihadi terror websites and chat rooms as well as an extensive discussion on the recent terrorist activities in Aceh, Indonesia.

#### *University of Singapore*

2.28 The committee also had a briefing from Professor Michael Hor from the University of Singapore who provided a comprehensive overview of Singapore's Internal Security Act (ISA) and its application in recent times. In particular, Professor Hor outlined the use of the ISA to respond to the serious threat posed by Islamic terrorism. This included a discussion about monitoring of internet usage to detect Singaporeans who have become radicalised.

2.29 The committee discussed with Professor Hor the application of a range of legislative instruments pertaining to Singapore's banking institutions, the Religious Harmony Act, the right to assemble, as well as an in-depth discussion of the utilisation of online blogs and chat rooms by Islamic fundamentalists.

#### ***Social Resilience***

##### *An-Nahdhah Mosque and Harmony Centre*

2.30 The committee was fortunate to visit the Harmony Centre which is a dedicated centre in the An-Nahdhah Mosque which serves as an integrated hub for promotion of greater understanding of Islam and Muslims. The Harmony Centre symbolises one of the Islamic Religious Council of Singapore's (MUIS) efforts to engender a greater understanding of Islam and Muslims amongst the multi-racial population of Singapore.

2.31 The Harmony Centre seeks to promote understanding of the teachings and key messages of Islam; to promote inter-faith dialogue and engagement within leadership, grassroots communities, youth and students; and to strengthen the social bonding amongst communities of different faith so as to build a more cohesive and resilient society.

2.32 The committee had an in-depth tour of the Harmony Centre and noted the importance of the exhibition space in discussing the misconceptions regarding Islam. The Harmony Centre has three floors of exhibition space that provides an overview on Islamic art and architecture from around the world, discoveries by Islamic scholars as well as insights into the religious and lifestyle practices of Muslims. The Harmony Centre also outlines the role of women in Islam and places Islam in the context of other world religions.

2.33 Following the tour, the committee had a discussion with the leaders of the An-Nahdhah Mosque and Harmony Centre. The committee explored the range of training and outreach work that is being undertaken by the Harmony Centre as well as the engagement with leaders of other faiths to improve social cohesion and religious tolerance. The committee also noted the role of the Harmony Centre's website: <http://harmonycentre.sg/cms/HA/default.aspx> in allowing a continuing dialogue with both Islamic and non-Islamic people from around the world.

2.34 The committee was pleased to hear that members of the Islamic Religious Council had visited Australia in the past year to share their experiences in a range of meetings in Melbourne, Sydney and Canberra. Their visits included discussions at the Lakemba Mosque in Sydney and with the Australian Government.

### ***Parliament to Parliament Relations***

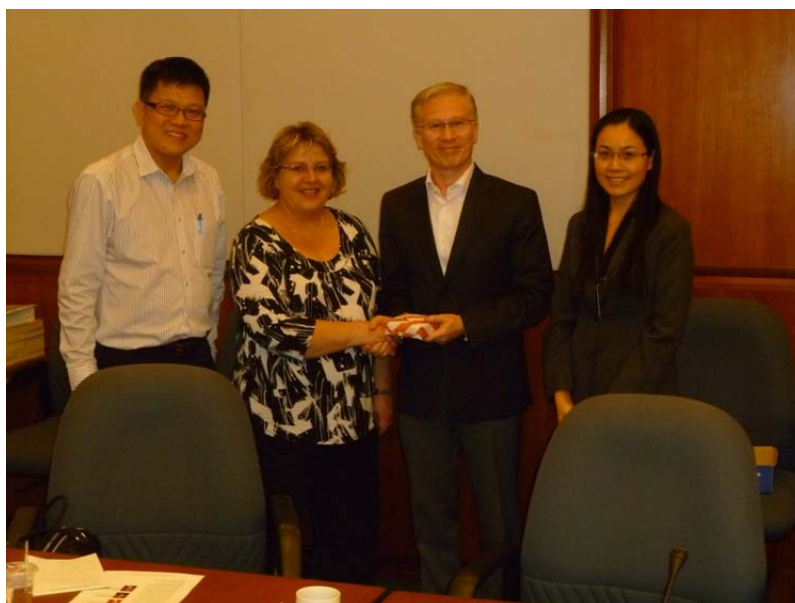
#### *Government Parliamentary Committee on Home Affairs and Law*

2.35 Singapore's Government Parliamentary Committees (GPCs) were established in 1987. There are ten GPCs which examine the policies, programmes and proposed legislation of a particular government ministry. GPCs provide respective ministries with feedback and suggestions and are consulted by ministries on issues of public interest.

2.36 The committee met with Dr Ong Seh Hong MP and Mr Arthur Fong MP from the GPC on Home Affairs and Law. This GPC has very similar responsibilities to the Senate Standing Committee on Legal and Constitutional Affairs in Australia.

2.37 The GPC on Home Affairs and Law explained their inquiry process for bills including the utilisation of a resources panel which includes lawyers, academics and professionals as a key mechanism for consultation.

2.38 The GPC also discussed their interactions with the Minister of Home Affairs and Law as well as site visits to conduct inspections and consultation on relevant issues pertaining to bills before the Parliament.



*Senator Trish Crossin with Dr Ong Seh Hong MP and Mr Arthur Fong MP from the GPC on Home Affairs and Law and Ms Tan Ee Ee.*

2.39 The committee discussed its respective experiences in considering counter terrorism legislation over the past years, including a discussion on the balance between civil liberties and the necessity in providing a strong response to prevent terrorism.

2.40 The GPC also outlined the current range of inquiries that they are or have recently conducted including fire safety regulation; loan shark inquiry; after case care for offenders and recidivism of terrorists as well as corruption.

2.41 The committee discussed the very real concerns of the GPC about the threat of a terrorist attack in Singapore and outlined the key target hardening responses that have been undertaken as well as the extensive array of counter-terrorist exercises in preparation for a possible attack. Singaporean MPs are a key plank in describing the need for exercises with constituents and are active in promoting adequate consideration of emergency management techniques in building regulations for instance.

2.42 The committee also discussed the engagement of MPs and the Islamic community within Singapore. The MPs outlined the extensive work that has been undertaken to promote quality and religious harmony throughout Singapore as well as the importance of the internet in promoting a more tolerant society.

#### *Singapore-Australia Parliamentary Friendship Group*

2.43 The committee also met with the Singapore-Australia Parliamentary Friendship Group. The aim of this Parliamentary Group is to foster and maintain friendship with, and understanding of, Australia and Singapore through links with national legislatures. The Parliamentary Group maintain an important link between the

respective Parliaments and build strong relationships based on their respective experiences.

2.44 The Singapore-Australia Parliamentary Friendship Group and the committee discussed a range of differences between the operation of the Australian Parliament and the Singapore Parliament. A particular focus of the committee was to explore the extensive committee system and interaction with Singaporean business and key stakeholders in considering legislation and bills before the Singaporean Parliament.

2.45 The committee was also interested to hear the very personal stories of the Singaporean MPs who have had extensive contact with Australia including through studying in Australia; visiting Australia through official Parliamentary delegations or engagement with Australian business.



*Senate Committee with members of the Singapore-Australia Parliamentary Friendship Group and Australian High Commission officers.*

### ***Indigenous Australian Art***

2.46 In Singapore, the committee was also privileged to visit the ReDot Fine Art Gallery which is the only gallery in the Asia-Pacific region to exclusively focus on Indigenous Australian Art.

2.47 Located in the heart of Singapore's port precinct, ReDot has been in operation since 2004. The gallery represents artists from areas across the Northern and Western Deserts of Australia, where the majority of the Aboriginal art centres are located.

2.48 ReDot promotes the work of indigenous artists, and creating opportunities for a wider understanding and appreciation of Aboriginal art and its culture. The Australian High Commission has partnered with ReDot for several successful exhibitions in recent years, and recently jointly sponsored the NAIDOC Week 2010 celebrations which included an exhibition of Indigenous art at the Australian High Commission in Singapore.

## Conclusion

2.49 One of the key reasons that the committee decided to visit Singapore, was to look at the role of the Internal Security Act (ISA). The visit provided the committee with a strong understanding of the ISA, its role, the functions of the act and its application. The committee noted the role the ISA has had in Singapore and reflected on the relationship between Australia's counter terrorism laws and Singapore's response to countering the threat posed by terrorists.

2.50 The committee obtained a detailed understanding of Singapore's historical, current and future response to counter terrorism. The committee had a positive opportunity to discuss the challenges that both Singapore and Australia will need to grapple with in the coming years.

2.51 One of the key areas that the committee explored in its visit was the utilisation of the internet and the use of chat rooms by terrorist networks to radicalise participants. The fact that quite well educated professionals have proven to become self radicalised represents another wave of terrorism. Compared with more traditional groups such as Al-Qaeda, the self radicalised individual or potential home grown 'sleeper cell' provides a distinct threat for Australia and Singapore. This will be a continued challenge for all regional law enforcement authorities and parliamentary committees to examine over the coming years.

2.52 A highlight of the trip for the committee was the visit to the Harmony Centre which clearly demonstrated the way that religious tolerance and harmony can be promoted. The fact that members of the Harmony Centre have visited Australia and are engaged in a inter-faith dialogue demonstrates that promotion of social cohesion is a global issue that only benefits from enhanced dialogue and discussion.

2.53 Further, the committee built stronger ties between Australian and Singaporean Parliamentarians which is important for future cooperation and collaboration, particularly in responding to core national security challenges that lie ahead.

2.54 The committee particularly benefited from discussions with the Government Parliamentary Committee on Home Affairs and Law. These discussions provided a good opportunity for the committee to reflect on the way the Australian Senate conducts its hearings and develops reports. The Government Parliamentary Committee had a unique insight into many of the same issues that the Standing Committee on Legal and Constitutional Affairs deals with each day. A continued dialogue and discussion on the key legislative issues that both countries are dealing with is important and this visit established the links by which a continued relationship and dialogue can be advanced.

## Chapter 3

### Indonesia

3.1 This chapter briefly outlines Indonesia's political, social and economic situation, its counter terrorism arrangements and records the substance of meetings held during the committee visit.

#### Country Brief<sup>1</sup>

3.2 The Republic of Indonesia is Australia's largest neighbour. The Indonesian archipelago consists of over 17 000 islands nestled between Singapore, Papua New Guinea and Australia. Indonesia has approximately 231.5 million people (2009 data) including over 3000 registered Australians living in the country. The official language of Indonesia is Bahasa Indonesia but there are hundreds of local dialects spoken across the archipelago.

#### System of Government

3.3 Indonesia is a unitary state which is headed by an executive President and Vice President who are directly elected for a five-year term by popular vote. The current President is His Excellency Dr Susilo Bambang Yudhoyono and the current Vice President is Dr Boediono. The President and Vice President govern with the assistance of an appointed Cabinet. The current Cabinet has 36 members and is called the United Indonesia Cabinet.

3.4 Indonesia also has a 692 member parliament which includes a 560 member House of Representatives (Dewan Perwakilan Rakyat or DPR) which is elected by proportional representation. The DPR has the ability to pass legislation and oversee implementation of Cabinet's legislative agenda and determine the country's budget. A 132 member advisory body called the House of Regional Representatives (Dewan Perwakilan Daerah or DPD) has four representatives from each of Indonesia's 33 provinces.

#### Australia's Relationship with Indonesia

3.5 Australia and Indonesia have a strong and close relationship across a range of different areas including political, security, commercial, cultural and people-to-people links. Some of the key examples of Australia's relationship with Indonesia include:

- (a) over 70 ministerial visits have been undertaken to Indonesia by Australia during the 42<sup>nd</sup> Parliament;

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1 Much of the data and factual information presented throughout the chapter has been provided by the Department of Foreign Affairs and Trade.

- (b) around 550 000 Australians visited Indonesia in 2009, a record number;
- (c) on 27 February 2009, a joint feasibility study for an Australian-Indonesian Free Trade Agreement was agreed;
- (d) A strong bilateral military and police relationship, particularly in investigation of terrorist activities;
- (e) over 400 Australian businesses operate in Indonesia and total two way trade between both countries equalled 10.3 billion in 2007-08; and
- (f) approximately 16 000 Indonesian nationals are enrolled in Australia's education institutions.

3.6 Indonesia is home to Australia's largest overseas embassy. In 2009-2010 Australian aid to Indonesia will be worth an estimated \$452.5 million, making Indonesia the largest recipient of Australian aid.

3.7 In its visit to Indonesia, the committee witnessed the very significant collaborative work that is being undertaken between the two countries, from the police to police links through the Jakarta Centre for Law Enforcement Cooperation and the cooperation through the Australia Indonesia Facility for Disaster Reduction through to the close regard in which Indonesia's politicians regarded Australia.

3.8 Australia's close relationship was outlined by the Indonesian President His Excellency Dr Susilo Bambang Yudhoyono in his recent visit to Australia:

Today Indonesia looks at Australia in a different way. Australia means different things to the Indonesian generation of today. Australia is now a country of choice for Indonesian students and tourists... Indeed, I know of no other Western country where Bahasa Indonesia is widely taught in the school curriculum. I know of no other Western country with more Indonesianists in your governments, universities and think tanks, and no other Western country has more Indonesians studying in their universities and high schools...<sup>2</sup>

### **Indonesia's Response to Counter Terrorism**

3.9 Indonesia has undertaken strong action in responding to the threat of terrorism across the archipelago. Indonesia's action has been in response to a number of terrorist attacks since 2001, including:

- (a) the Bali bombings of 12 October 2002;
- (b) the bombing of the Australian Embassy in Jakarta on 9 September 2004;
- (c) the Bali bombings on 1 October 2005; and
- (d) the suicide bombings at the JW Marriott and Ritz-Carlton hotels in Jakarta on 17 July 2009.



3.10 The Indonesian National Police has played a particularly strong role in responding to the threat posed by terrorist groups. The police have been instrumental in investigating and disabling jihadi groups including Jemaah Islamiyah. Further information about the INP is outlined below, particularly Detachment 88 - Indonesia's police counterterrorism unit.

3.11 On 17 September 2009, terrorist suspect Noordin Mohammad Top was killed during a police raid in Solo, Central Java. Top was a significant terrorist suspect and led a hardline splinter group of terror organisation Jemaah Islamiyah. He was the suspected mastermind of July's attacks on the JW Marriott and Ritz-Carlton hotels in Jakarta that killed seven, including three Australians.

3.12 More recently, in late February 2010, Indonesia successfully discovered a jihadi training facility in Aceh, Northern Sumatra. By May, the INP had arrested 48 members of the group and killed eight including the leader Dulmatin who was a well known terrorist in South East Asia and on the FBI's most wanted list. The successful investigation of this terror network demonstrates the incrementally enhanced capability since the Bali bombings in responding to the threat of terrorism in Indonesia.

### ***Key Legislative Responses***

3.13 Indonesia passed the *Anti-Terrorism Law* in 2002, and has since achieved hundreds of convictions for terrorist offences.

3.14 In April 2003, Indonesia also established a new Anti-Terrorism Law (Law No 15/2003) to respond to the threat of terrorism. This law outlines the acts of terrorism which are deemed illegal. The Anti-Terrorism Law also outlined the sentences that can be imposed for those who commit terrorist actions; the mechanisms by which the government can detain suspects and extract intelligence and further surveillance mechanisms.

3.15 In 2003, the DPR subsequently passed a law to make the Anti-Terrorism Law retrospective and thus apply to the 2002 Bali bombings though there have been some subsequent constitutional challenges to this law.

3.16 Money laundering offences are contained in Law No. 15 of 2002 on Money Laundering Crimes (as amended by Law No 25 of 2003) (the Money Laundering Law) which outlines a number of criminal offences as well as an anti money laundering regime including the establishment of a financial intelligence unit; identification requirements; reporting obligations and the ability to freeze/confiscate assets.

### ***Indonesian and Australian Cooperation on Counter-Terrorism***

3.17 Australia and Indonesia have built substantial links through joint investigations into terrorist acts in Indonesia. Such cooperative efforts culminated in the signing of the Lombok Treaty in 2006, which provides a treaty-level framework

for addressing traditional and non-traditional security challenges. As the Indonesian President said in his address to the Australian Parliament earlier this year:

For Indonesia, the Lombok treaty is a landmark since it makes possible forward-looking cooperation in the fields of traditional as well as non-traditional security. Let me stress that the Lombok treaty created neither a security alliance nor an exclusive club. It recognises the complexity of the security issues that our two countries are confronting together; hence, it is a treaty committing both sides to working together to address these complex issues. Moreover, both sides commit themselves to respecting each other's sovereignty and territorial integrity. That means each side will in no way support any separatist movement against the other. Thus, the treaty is a paradigm shift in the notions of security, threat, mutual respect and cooperation. By signing onto this agreement we were changing course and reinvented Indonesian-Australian relations for the better. I commend the bipartisan stance of Australia that is firmly committed to the new partnership with Indonesia.<sup>3</sup>

3.18 Australia and Indonesia have a strong commitment to mutually beneficial engagement and cooperation to combat terrorism. Indonesia also benefits from Australia's counter terrorism assistance programs provided on a regional basis.

3.19 Building on the links established through these joint investigations, cooperation now involves wide-ranging cooperation including in the areas of:

- (a) Australian aid
- (b) law enforcement;
- (c) CT financing;
- (d) border control;
- (e) transport security; and
- (f) intelligence.

### **Issues Discussed in Detail in Indonesia**

#### ***Australian Embassy, Jakarta.***

3.20 The formal committee program commenced with an extensive briefing at the Australian Embassy in Indonesia regarding the activities of various Commonwealth agencies in Indonesia including:

- (a) the role of the Department of Foreign Affairs and Trade in building government to government relations with Indonesia;
- (b) the expanding aid program in Indonesia that is being delivered by the Australian Agency for International Aid Development including through the provision of infrastructure and progress towards achieving the

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3 *House of Representatives Hansard*, Wednesday 10 March 2010, p. 1497.

millennium development goals. This included a discussion of the counter-terrorism aid program particularly work with Indonesia about the prison system and education institutions as well as disaster related work;

- (c) the work of the Department of Immigration and Citizenship in building people-to-people relationships between Australia and Indonesia as well as strong border protection initiatives in both Indonesia and Australia such as introduction of biometrics. Greater use of data matching and electronic visas was also discussed to increase labour mobility between the two countries;
- (d) the work of Australian Customs and Border Protection Service in undertaking joint investigations with Indonesian maritime authorities as well as joint capacity building activities on border intelligence, xray training and risk mitigation;
- (e) the strong military links between Indonesian and the Australian Defence Force in building capacity and responding to national security threats; and
- (f) cooperation on illegal fishing as well as the extensive agricultural trade between Australian and Indonesia being undertaken by the Department of Agriculture, Fisheries and Forestry.



*The Senate Committee in front of the memorial for the 9 September 2004 bombing of the Australian Embassy*

## *National Security and Counter Terrorism in Indonesia*

### *Australian Federal Police in Indonesia*

3.21 The committee received an extensive briefing from the Australian Federal Police. The briefing specifically focused on the joint collaboration between the Indonesian National Police and the Australian Federal Police.

3.22 The briefing outlined the ongoing threat from terrorist groups in Indonesia and then focused on the various initiatives to respond to this threat.

3.23 The committee was briefed on one aspect of the Australian Federal Police's engagement with the Indonesian National Police through Detachment 88. Detachment 88 is the specialist anti-terrorist unit in the Indonesian National Police that became operational in 2003 following the Bali bombings. Detachment 88 has been instrumental in disrupting Jemaah Islamiyah and other terrorist organisations operating throughout Indonesia particularly in Central Java. Indeed it was Detachment 88 that was instrumental in tracking down Noordin Mohammad Top.

3.24 Detachment 88 is assisted by a range of international agencies including the Australian Federal Police. Detachment 88 has a large footprint across the archipelago and also have a focus on the capture of suspected terrorists and preventing further terrorist incidents. The Australian Federal Police outlined the success of Detachment 88 and their collaborative work, especially following more recent bombings.

3.25 The Australian Federal Police also discussed the role of the Jakarta Regional Cooperation team including their impressive work in investigating the 17 July 2009 Jakarta hotel bombings.

3.26 The committee was pleased to hear that the Indonesian National Police provided a world class Disaster Victim Identification team to assist Australia in the 2009 Victorian Bushfires.

### *Minister of Law and Human Rights Coordinating Ministry for Political, Legal and Security Affairs*

3.27 The committee met with both the Minister for Human Rights and Law, His Excellency Mr Patrialis Akbar and the Inspector General and Head of the Counter Terrorism Coordinating Desk Mr Ansyaad Mbai in their visit to Jakarta.

3.28 Both the Minister and the Inspector General stressed the positive work that has been undertaken in responding to the threat of terrorism and reiterated the Indonesian National Police's success in finding and dismantling the Aceh militant training camp in the first half of this year.

3.29 Indonesia stressed the strong legislative and investigatory responses that have been undertaken by Indonesia in responding to the challenges of Islamic terrorism to

date. In particular, the Minister noted that there has been a strong approach by the Indonesian National Police in tracking down terror suspects. The Minister noted that Indonesia is working on a program to respond to high risk prisoners in the corrections system to ensure that those suspects who have been placed in jail are able to be rehabilitated and not further radicalised.

3.30 The committee discussed a wide range of issues including the outstanding threat posed by Islamic terrorism in Indonesia. There was also a discussion about the future challenges that will be presented in the years ahead for Australia and Indonesia including de-radicalisation of Islamic terror suspects; work through the corrections system as well as further work on cyber crime and cyber terrorism.

*Anti-Money Laundering Delegation from Commission III of the House of Representatives - Dewan Perwakilan Rakyat*

3.31 The committee had a productive meeting with delegates from the Anti-Money Laundering delegation of the House of Representatives. This delegation outlined the actions that have been undertaken over the past few years to improve anti-money laundering and combating the financing of terrorism. This included the establishment of a Financial Intelligence Unit - Pusat Pelaporan dan Analisis Transaksi Keuangan (PPATK) as well as a system for reporting suspicious transactions.

3.32 The committee was informed that in the next sitting of the Indonesian Parliament, a bill is likely to be passed to strengthen the anti money laundering and counter terrorism financing regime. The committee outlined Australia's latest anti-money laundering and counter terrorist financial legislation as well as the role of AUSTRAC.

3.33 A delegation from Indonesia's Special Parliamentary Committee on Money Laundering visited Australia from 7-13 June. The Purpose of the visit was to learn about Australia's experience in drafting and implementing anti money laundering (AML) legislation, and to seek input on Indonesia's draft AML law. The committee enjoyed the opportunity to follow up on the delegation's recent visit to Australia to discuss the Australian approach in responding to money laundering. The committee outlined its support for the delegations work in enhancing Indonesia's response to money laundering, terrorist financing and organised crime.

***Terrorism, Criminal Justice, Islamic Organisation and Governance Research***

*The International Crisis Group*

3.34 The committee held discussions with Ms Sidney Jones from the International Crisis Group. The International Crisis Group is an independent, non-profit, non-governmental organisation committed to preventing and resolving deadly conflict and has officers stationed in Indonesia.

3.35 The committee discussed the current situation regarding Islamic terrorism in Indonesia, including the differences that have been occurring over the past few

months. A key focus of the discussion was about the Indonesian National Police in stemming the so called 'third wave' of terrorism in Indonesia through the dismantling of a militant training camp in Aceh and the shooting of its leader Dulmatin. The discussion also outlined the future challenges particular the need for better intelligence and information on terrorist groups.

3.36 The discussion also focused on the corrections system and the need for better monitoring of high risk detainees who are currently in prison.

#### *The Asia Foundation*

3.37 The committee met with Dr Barbara Bush from the Asia Foundation. The Asia Foundation is a non-profit, non-governmental organisation committed to the development of a peaceful, prosperous, just, and open Asia-Pacific region. Dr Bush outlined her recent work in addressing corruption and improving the accountability of organisations within Indonesia.

3.38 A particular focus of the committee's discussions with Dr Bush was about the mechanisms to strengthen the legal and judicial system as well as the need for responsive local government. Dr Bush also outlined the strong and positive role of the largest Islamic organisations in Indonesia to provide a counter to the radical groups that are operating throughout Indonesia.

#### *Wahid Institute*

3.39 The committee spoke with Mr Ahmad Su'adi who is the Executive Director of the Wahid Institute. The Wahid Institute is committed to the exchange and dissemination of progressive Muslim thought to promote tolerance and understanding in the world. In particular, the institute is committed to developing a dialogue between the highest spiritual and political leaders in the west and Muslim world. Mr Su'adi outlined his views on the current situation of Islam in Indonesia and provided a comprehensive outline of some of the key issues that the Wahid Institute is working on in regard to education and social development.

3.40 Mr Su'adi outlined the inter-faith work that is being conducted including cooperation with the Indonesian Christian Church as well as engagement with the two largest Islamic organisations Muhammadiyah and Nahdlatul Ulama to counter the minority radical view of Islam in Indonesia. One of the areas that he is focused on is in providing materials for teachers in pesantren.

#### ***Committee site visits to Australian Government Supported Initiatives***

3.41 A highlight of the visit to Indonesia was the committee's visits to both the Jakarta Centre for Law Enforcement Cooperation and the Australia Indonesia Facility for Disaster Reduction. These are two examples of Australian capacity development within Indonesia.

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*Jakarta Centre for Law Enforcement Cooperation in Semarang*

3.42 The committee visited the Jakarta Centre for Law Enforcement Cooperation (JCLEC). JCLEC is based at Semarang within the Indonesia Police Academy (Akpól). JCLEC was established in 2004 as a bilateral arrangement between the Government of the Republic of Indonesia and the Australian Government as a result of terrorism activity in Indonesia.

3.43 The Centre is jointly managed by the Indonesian National Police (INP) and the Australian Federal Police (AFP). The JCLEC foundation was established in February 2005 as a means to accept other foreign donations.

3.44 JCLECs focus is the development of law enforcement personnel in technical, organizational and strategic capabilities. Since opening its doors in July 2004, JCLEC has engaged over 7000 participants from 45 different countries.

3.45 The committee also attended the closing ceremony of the Regional Executive Leadership Program (RELP). The focus of this program is to develop leadership to effectively counter the threat of transnational crime across the region. The curriculum is designed to enhance the research and critical thinking skills of senior leaders. Participants are exposed to a wide range of new ideas, better-practice methodologies and leadership theories. The program also focuses on leadership requirements of policy development and implementation.

3.46 The committee heard from the course attendees, instructors and trainers about the work that they are undertaking and was impressed with the level of commitment shown by the senior leaders across the region as well as the networks that were established that will serve as important regional links into the future.

3.47 The committee also had an extensive tour of the JCLEC facilities which included a fully decked out theatre for training; dedicated training rooms with facilities to conduct detailed electronic scenarios; computer based training as well as a commercial style kitchen and living quarters for students.



*Committee tour and briefing at the Jakarta Centre for Law Enforcement Cooperation*

*Australia Indonesia Facility for Disaster Reduction*

3.48 The committee also visited the Australia Indonesia Facility for Disaster Reduction in Jakarta. The committee was briefed on the work of the Facility in using Australian and Indonesian science to better identify and quantify natural disaster hazards and risks in Indonesia.

3.49 The committee was briefed on the work that has been undertaken since the Facility's establishment on 22 November 2008 by the Australian and Indonesian Governments. In particular, the committee was provided with information on the work that the Facility undertook during the 2009 Padang earthquake in Sumatra. This work included a detailed assessment on the types of buildings that were destroyed during the earthquake so that further designing and improvements can be made to ameliorate the threat in the future.

3.50 The Facility reflects Indonesia and Australia's concern over the growing impact of disasters in the region, including their potential for human suffering and the reversal of hard-won development gains.

***Parliament to Parliament Relations****Regional Representatives Council - Dewan Perwakilan Daerah*

3.51 The committee met with the Speaker, His Excellency Mr Irmanm Gusman and the Deputy Speaker His Excellency, Dr Laode Ida, of the Regional Representatives Council (DPD).

3.52 The Speaker and the Deputy Speaker had both visited the Australian Senate in recent years to understand the proportional representation of the Australian states and territories in the Australian Parliament. Similarly, the committee was interested to learn about the representation of each of Indonesia's provinces in the regional council and to establish the council's input into the Parliament and national debate on various issues.

3.53 The committee noted the importance of a continued close parliament to parliament relationship between the Australian Senate and the Regional Representative Council to ensure that both bodies acknowledge and understand developments in Australia and Indonesia.

**Conclusion**

3.54 The committee's visit to Indonesia outlined the substantial work that has been undertaken by the Government of Indonesia in responding to the terrorist threat. In particular, the work of the Indonesian National Police in both swiftly responding to the 2009 bombings in Jakarta and in dismantling an active terrorist training facility in early 2010 are a strong testament to the extensive work that is taking place in Indonesia.



3.55 The committee obtained an appreciation of the strong legislative responses that the Indonesian Parliament is enacting. In particular, the committee was impressed to see the tranche of Anti-Money Laundering legislation that is about to be passed in the Indonesian Parliament. This is a substantial body of work that has been undertaken following extensive consultation through a committee process and included consultation with Australia and other international bodies.

3.56 The committee was impressed by the work of the Australian Government in Indonesia. This was particularly evidence in the Jakarta Centre for Law Enforcement Cooperation and the Australia Indonesia Facility for Disaster Reduction. These two facilities demonstrated to the committee that the government-to-government links are working effectively between Australia and Indonesia. Much of the work that Indonesia is undertaking is complemented by Australian expertise and vice versa. The relationship between Australia and Indonesia is continuing to grow and is marked by a mutual obligation and respect. Together, Indonesia and Australia are improving the safety of the region and preventing the likelihood of a terrorist attack in either Indonesia or Australia.

3.57 As terrorist and organised crime activity is transnational, it is important for countries throughout the region and the world to have firm networks of law enforcement officials to respond accordingly. The work of Australia's law enforcement agencies in Indonesia including immigration, customs, police and military representatives combined with Australia's diplomatic and international aid links demonstrated to the committee that the safety and security of Australians and indeed the globe is being advanced in a professional and collegiate manner.

3.58 In this visit to Indonesia, the committee developed a concrete understanding regarding some of the key challenges for both Indonesia and Australia in addressing terrorism in the coming years. Among the many challenges for the future the committee highlights some of the more salient around the need for:

- (a) a continued review of the legislative framework underpinning counter terrorism arrangements;
- (b) enhanced technology including biometrics and data matching systems for the border and to support law enforcement authorities;
- (c) strong networks to support investigations and intelligence exchange particularly on terrorist networks including joint training and joint collaboration;
- (d) a strong response to the utilisation of the internet to facilitate terrorist actions as well as funding of crime and terrorism;
- (e) a strong corrective system with appropriate mechanisms for de-radicalisation;
- (f) robust inter-faith dialogue to promote a more tolerant society; and
- (g) the political will to respond to all terrorist and national security threats; and
- (h) provision of funding and legislative tools by parliament to counter these threats.

3.59 A key outcome of the visit to Indonesia was the committee's ability to meet with Indonesian Parliamentarians who are conducting similar work to the Senate Standing Committee on Legal and Constitutional Affairs. The opportunity to exchange views on some of the legislative challenges that both committees are dealing with was productive. It exposed both committees to ideas and options for the future, particularly around the upcoming and emerging threats that will require legislative responses.

3.60 More generally, the visit provided a good opportunity to build relations with other parliamentarians whose role is both very similar to and extremely different from senators in Australia. The discussions about the way committees work and consult as well as the structures of the parliamentary chamber, sitting schedules, topics for debate and the need for a strong relationship with regional neighbours were both interesting and important for the committee to explore.

3.61 In visiting Indonesia, Australia's largest neighbour, the committee built a trusted network of parliamentarians and key contacts with whom a dialogue will be continued and maintained to support the strong relationship between our two countries.

**Senator Trish Crossin**  
**Delegation Leader**

# Appendix 1

## Committee Application for the Visit

9 February 2010

Senator the Hon John Hogg  
President of the Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

The Hon Harry Jenkins MP  
Speaker of the House of Representatives  
PO Box 6022  
Parliament House  
CANBERRA ACT 2600

(through Mr Cleaver Elliott, Clerk Assistant, Committees)

Dear Mr President and Mr Speaker

### **Parliamentary committee visit to Asia-Pacific countries**

We write to nominate the Senate Legal and Constitutional Affairs Legislation Committee for participation in the 2010 Parliamentary committee visit to Asia-Pacific countries.

The committee proposes to visit the republics of Indonesia and Singapore to investigate their policies, programs and strategies in relation to counter-terrorism and anti-terrorism.

The key purpose of the visit would be for the committee to examine the most recent counter-terrorism and anti-terrorism initiatives in Indonesia and Singapore to inform the development, administration and maintenance of terrorism-related laws and strategies in Australia. The second objective of the visit would be to enhance regional cooperation on terrorism by promoting inter-parliamentary relationships and information exchange between Australia, Indonesia and Singapore.

The issue of preventing and defending against terrorism is directly relevant to the work of the committee. The committee oversees the portfolios of the Attorney-General's Department (AGD) and the Department of Immigration and Citizenship (DIAC), which have responsibility for the development and administration of Australia's counter-terrorism and anti-terrorism laws, and customs and border security regimes. The committee has conducted numerous inquiries into terrorism-related legislation and references. In 2009, for example, the committee inquired into the Anti-Terrorism Laws Reform Bill, and its previous inquiries include:

- Independent Reviewer of Terrorism Laws Bill 2008 [No. 2];
- provisions of the Anti-Money Laundering and Counter-Terrorism Financing Bill 2006 and the Anti-Terrorism Bill (No. 2) 2005;
- Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 (two inquiries in 2002);
- Anti-Terrorism Bill (No. 2) 2004;
- Anti-Terrorism Bill 2004; and
- Security Legislation Amendment (Terrorism) Bill 2002.

The committee also regularly inquires into bills and subject matter that are intimately connected with counter-terrorism and anti-terrorism issues, including immigration; customs and border security; criminal law; and serious and organised crime. The committee considered legislation addressing all of these matters in 2009. Given the extremely fluid dynamics of international terrorism, the operation of counter-terrorism and anti-terrorism laws is under constant review by government, and assessment of the necessity of new laws and amendments to existing laws is ongoing. The committee therefore expects that contemporary security issues will remain a key focus of its estimates and inquiry activities in the future.

Participation in the proposed visit would provide committee members with an invaluable opportunity to examine the particular terrorism-related policy and legislative challenges faced by Indonesia and Singapore. Indonesia is a presidential representative democratic republic with a complex legal system and majority Muslim population, and Singapore is a presidential republic modelled on the Westminster system with a population that has a more diverse mix of religious views. By visiting these two countries the committee would be able to examine terrorism issues across a range of social, political and legal conditions, providing important lessons and comparisons to be applied in the Australian context. The committee is particularly keen to investigate approaches to the development and administration of counter-terrorism and anti-terrorism policy in Indonesia and Singapore, and the question of how these countries strike a balance between safeguarding security and the upholding of civil liberties.

More particularly, the proposed visit will allow the committee to examine the nature and effectiveness of legislative and other strategies that Indonesia and Singapore have adopted in response to specific terrorist incidents and/or threats. Indonesia has experienced a number of terrorist attacks since 2001, including the Bali bombings of 12 October 2002, the bombing of the Australian Embassy in Jakarta on 9 September 2004, the Bali bombings on 1 October 2005, and the suicide bombings at the JW Marriott and Ritz-Carlton hotels in Jakarta on 17 July 2009. Indonesia passed the *Anti-Terrorism Law* in 2002, and has since achieved hundreds of convictions for terrorist offences. Singapore has also maintained an aggressive counter-terrorism campaign since the discovery in 2001 of a network of Jemaah Islamiyah operatives planning attacks against Western interests, including the Australian High Commission. Singapore passed the *Suppression of Bombings Act* in 2007, and implemented a program of enhancing security at key installations, entitled the Safety and Security Watch Group Scheme, in 2003.

Finally, the proposed visit to Indonesia and Singapore represents a significant opportunity to enhance regional cooperation on terrorism between Australia, Indonesia and Singapore. Australia and Indonesia, in particular, have built substantial links through joint investigations into terrorist acts in Indonesia. Such cooperative efforts culminated in the signing of the Lombok Treaty in 2006, which provides a treaty-level framework for addressing traditional and non-traditional security challenges. A plan of action to implement the treaty was agreed at the 9<sup>th</sup> Australia-Indonesia Ministerial Forum in May 2008. Significantly, the two countries also renewed a Counter-Terrorism Memorandum of Understanding in May 2008 (which was originally signed in 2002). Australia provides substantial capacity-building assistance to Indonesia in a number of areas of law enforcement by, for example, contributing \$36.8 million to the Jakarta Centre for Law Enforcement Cooperation (JCLEC), and participating in the work of the JCLEC to help strengthen networks and collaboration among law enforcement officials across the Asia-Pacific region.

A visit by the committee to Indonesia and Singapore would complement the existing links between Australia and the major departments and institutions dealing with terrorism in those countries. Further, the committee would seek to meet with its counterparts in Indonesia and Singapore to promote the sharing of knowledge between the parliaments of each country. In 2009, the committee met with the Indonesian Legal and Constitutional Committee for discussions relating to the role of the Indonesian judiciary, and the committee would specifically seek to build on this type of relationship by meeting with other relevant parliamentary bodies and committees.

In conclusion, the 2009 suicide bombings at the Marriott and Ritz-Carlton hotels in Jakarta demonstrate that the threats and challenges of terrorism continue to apply to Australia and the Asia-Pacific region more broadly. The proposed visit to Indonesia and Singapore by the Legal and Constitutional Affairs Legislation Committee would significantly inform the committee's ongoing work as it relates to the oversight and development of counter-terrorism and anti-terrorism legislation and policy in Australia.

Please do not hesitate to make contact if you require further information. Thank you for the opportunity to nominate for the 2010 visit to Asia-Pacific countries.

Yours sincerely

Senator Trish Crossin  
Chair

Senator Guy Barnett  
Deputy Chair



## Appendix 2

### Visit Program

#### Sunday 4 July 2010

21:30 Arrive in Singapore

#### Monday 5 July 2010

09:00 – 10:00 Roundtable Discussion at the Australian High Commission.

10:30 – 12:00 International Centre for Violence and Terrorism Research, Nanyang Technology University.

12:30 – 14:30 Official lunch with the Singapore–Australia Parliamentary Friendship Group hosted by the Australian High Commissioner to Singapore.

15:00 – 17:00 Tour of the Singapore Harmony Centre and An-Nahdhah Mosque, including a roundtable discussion with Centre and Mosque leaders.

#### Tuesday 6 July

9:00–10:30 Meeting with Professor Michael Hor, Professor of Criminal Law at the University of Singapore.

11:00–12:30 Meeting with Professor Shunmugam Jayakumar, Senior Minister and Coordinating Minister for National Security.

12:30-14:00 Meeting with National Security Coordination Centre staff.

15:00-16:00 Meeting with representatives from the Government Parliamentary Committee for Home Affairs and Law

16:00-17:00 Tour of Parliament House, Singapore.

18:00-19:30 Tour of ReDot Fine Print Gallery, Urban Aboriginal Art collection.

19:30-20:30 Dinner with Australian High Commission staff.

#### Wednesday 7 July

08:00 Transit to Jakarta.

10:40-12:30 Arrive Jakarta and transit to hotel.

12:30-14:30 Meeting with Anti-Money Laundering Delegation members from

## Commission III of the House of Representatives

- 15:00-15:15 Tour of Australian Embassy memorials.
- 15:15-16:30 Briefing from Australian Embassy officials.
- 16:30-18:00 Briefing from the Australian Federal Police.
- 18:30-20:30 Dinner with the International Crisis Group, Wahid Institute and the Asia Foundation representatives.

**Thursday 8 July 2010**

- 05:00-08:00 Transit from Jakarta to Semarang.
- 08:30-10:30 Briefing with the Executive Directors of the Jakarta Centre for Law Enforcement Cooperation.
- 10:30-12:00 Attend graduation ceremony of the Regional Executive Leadership Program (RELP) Course with representatives from across the region.
- 12:00-13:00 Tour of the Jakarta Centre for Law Enforcement Cooperation.
- 14:00-17:00 Transit from Semarang to Jakarta.

**Friday 9 July 2010**

- 08:30-09:45 Breakfast meeting with His Excellency Mr Irman Gusman and His Excellency Dr Laode Ida, Deputy Speaker of the House of Representatives.
- 10:00-11:00 Meeting with His Excellency Mr Patrialis Akbar, Minister of Law and Human Rights.
- 11:30-12:45 Visit to and briefing on the Australia-Indonesia Facility for Disaster Reduction
- 13:00-14:00 Meeting with the Inspector General of Police and Head of the Counter Terrorism Coordinating Desk in the Coordinating Ministry for Political, Legal and Security Affairs.
- 15:00 Depart Jakarta for Australia.