

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 3

Program: Other Agency

Question No. SBE14/062

Senator Collins asked the following question at the hearing on 11 December 2014:

Senator JACINTA COLLINS: Okay. You mentioned that, of the 25 people who have returned to Australia, 19 have engaged in activities of security concern after they have returned.

Ms Hartland: That was from the Afghanistan-Pakistan experiences, yes.

Senator JACINTA COLLINS: Eight faced later conviction. Can you describe what happened to the other 11?

Ms Hartland: I will take that on notice.

Senator JACINTA COLLINS: Let me know if it is problematic. From our point of view, in terms of dealing with this problem, understanding why only eight of 19 were successfully prosecuted is one of the policy issues we want to address.

Senator Brandis: That is quite right, Senator. Of course, as you know, conduct that raises a level of concern in the mind of ASIO may not reach the threshold at which the Director of Public Prosecutions would make the judgement that a prosecution is likely to be secured at the standard of proof in a criminal trial. By the way, it is a point I keep trying to convey to critics of this legislation—I know you are not one of them, Senator—that the most important protection of all is that, for all of these terrorism related offences the standard of proof remains the criminal standard: proof beyond reasonable doubt.

The answer to the honourable senator's question is as follows:

As noted at the hearing, of the 25 people who returned to Australia, 19 engaged in activities of security concern after they returned. The other six individuals who returned to Australia from Afghanistan and Pakistan were not identified by ASIO as having been engaged in activities of security concern since their return. There were a further five individuals who have not returned to Australia.