

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

**Group: 3**

**Program: Other Agency**

**Question No. SBE14/063**

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

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.

Mr Moraitis: Senator, if I could just clarify: you might be conflating two elements—prosecution for activities in Australia in those situations, rather than for activities overseas. The two activities should not be confused in this context, in the historical context.

Senator JACINTA COLLINS: I understand your point, and perhaps that is something that can be separated, if you are able to address that in an answer on notice—whether those convictions related to domestic or international activities.

Ms Hartland: There may not be a lot more we can say to you on that, given that we do not comment on individuals and we do not comment on operational matters, but we will take it on notice and see what further advice we can provide you with. It might be of a more general nature.

Senator JACINTA COLLINS: Sure.

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

The convictions for these eight individuals related to domestic activities.