

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.1

Question No. 67

Senator Ludwig asked the following question at the hearing on 14 February 2005:

Regarding the multi-agency team created to devise the Anti-Money Laundering/Counter-Terrorism Financing system (AML/CTF):

- (a) Has work begun on the system? If not, when will work begin?
- (b) When will an interim report be available? If there is one, provide it.

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

- (a) In December 2003 the Government committed to implementing significant reforms to Australia's anti-money laundering system. An extensive consultation process commenced in early 2004 with the release of five industry-specific issues papers for public comment and the establishment of a Ministerial Advisory Group and a Systems Working Group.
- (b) A paper outlining the Australian Government's Policy Principles on implementing new global anti-money laundering standards was released in June 2004. A copy is attached. The next stage of public consultation will be the release of an exposure draft of the Anti-Money Laundering Bill for comment.

Further information about Australia's anti-money laundering reform process can be found at www.ag.gov.au/aml



Australian Government

POLICY PRINCIPLES FOR ANTI-MONEY LAUNDERING REFORM

POLICY OBJECTIVES

Australia's implementation of the revised Forty Recommendations of the Financial Action Task Force on Money Laundering (FATF) provides an opportunity to comprehensively review and update Australia's anti-money laundering and counter terrorist financing (AML/CTF) systems. Acting now to implement the new global standard will ensure that Australia's systems and procedures remain responsive to emerging money laundering and terrorist financing risks in line with international best practice. Australia's current regulatory system has served us well and many features will be retained.

It is important that Australia take action to comply with the FATF Recommendations not only to protect the Australian community from the threats of money laundering and terrorism but also to maintain our reputation as a key regional and global financial sector player. As a long-standing member of the international anti-money laundering community, Australia has committed to implement the new international standard and will be assessed accordingly.

KEY PRINCIPLES

Three key principles will guide the implementation process:

- 1) Effective regulation must be balanced by a sensible approach to the impact on industry, including small business, and on customers;
- 2) Regulation should apply consistently across industry sectors, while acknowledging differing business practices and risk factors;
- 3) Australia's AML/CTF systems and procedures should enhance our contribution to international cooperative networks and complement international measures.

It is vital that new anti-money laundering measures complement the good commercial practices they are intended to preserve. The Government is committed to working cooperatively with Australian industry to ensure that our anti-money laundering system works *for* the interests of business and customers and *against* criminals.

It is also important that anti-money laundering measures apply as consistently as possible across industry sectors. A consistent regulatory framework will prevent criminals from seeking to exploit weak links in the system and provide transparency for users, both business and customers.

The legislation must be designed to give full effect to Australia's international obligations and work to extend our regional and global networks against money laundering and terrorist financing. New measures should enhance Australia's capacity to contribute to international action against money laundering and terrorist financing and to complement the AML/CTF measures adopted by like-minded countries.

LEGISLATIVE STRUCTURE

In balancing all of these objectives, the Government is aiming for a legislative structure that meets Australia's commitment to fully implement the FATF obligations while providing scope for industry-specific procedures and solutions.

The exposure Bill will prescribe an overall regulatory framework with the practical details of implementation largely the subject of Regulations. These Regulations will be drafted following further consultation with the public and industry bodies upon release of the exposure Bill. A less prescriptive exposure Bill provides scope for ongoing input for industry and ensures that regulation will be responsive to varying business practices.

SPECIFIC PRINCIPLES

Customer Due Diligence

Customer due diligence (CDD) is the cornerstone of any effective AML/CTF system. The objective of new CDD obligations will be to ensure that customers engaging in certain activities are identified to a reasonable standard reflecting the type of customer, business relationship or transaction, while minimising the compliance burden on industry and the impact on legitimate customers.

The fundamental CDD obligations applying to customers will be specified in the exposure Bill. These obligations will be based on known risk with a framework for the application of enhanced due diligence measures for higher risk customers. As the scope and applicability of such measures may vary between industry sectors, the regulatory framework will provide opportunities for Government and industry to work together on enhanced CDD measures to be reflected in industry-specific codes or guidelines.

While customers must be identified to a reasonable standard at the point of entering a business relationship, due diligence should not end at the point of identification. To enable rapid identification of any suspicious activity, the regulatory framework will specify ongoing CDD obligations appropriate to regular customers. Point-of-transaction CDD obligations will apply to occasional customers. Legislation will specify the steps required to enable identification of any beneficial owners of legal persons or arrangements.

Relationships between professionals and their clients should be acknowledged and respected while not providing an excuse for inaction. The regulatory framework will clearly outline the application of the doctrine of legal professional privilege.

Reporting and record-keeping obligations

Transaction reporting and record-keeping systems provide the second plank to an effective AML/CTF system. Reports of suspicious or significant transaction activity, when combined with accessible customer identification and transaction records, provide law enforcement agencies with vital information that may lead to the detection and prevention of criminal or terrorist activity.

In order to maintain the best aspects of Australia's current reporting and record-keeping framework obligations, the new legislation will augment existing requirements to report suspicious and significant transaction activity. New reporting procedures will aim to complement CDD measures, allowing timely and comprehensive advice to law enforcement. Two reporting streams, suspicious transaction activity reports and threshold transaction reports, will build on our existing reporting system while ensuring compatibility with current business practices. Specific obligations will apply to senders of electronic funds transfers.

As knowledge of the customer will help determine when a transaction or activity should be reported, the legislation will encourage regular review and updating of reporting procedures. To ensure appropriate safeguards for business and preserve the integrity of the reporting framework, legal protections will apply to providers of information. The Government will explore with industry options for standardised reporting and record-keeping formats, and provide assistance in designing appropriate cost effective systems that meet the needs of law enforcement.

To ensure that Australia is able to meet its wider international obligations, specific reporting and other measures will be required for dealings with countries identified as non-compliant with international AML/CTF standards. There will be an ongoing role for the AML Regulator in providing advice and guidance to industry on the application of such measures.

Oversight and compliance

A single AML Regulator will have overall responsibility for oversight and compliance. There will, however, be scope for industry involvement in the development and application of AML guidelines, programs and industry codes covering key implementation issues. The regulatory framework will encourage ongoing partnerships between the AML Regulator and industry. A partnership approach will help to ensure that AML/CTF regulation is fully effective while remaining responsive to the needs of different industry sectors, including those of small business.

CONSULTATION—SECOND ROUND

The Government commends industry on the constructive and positive approach it has taken to improving Australia's AML/CFT system and remains committed to working with industry on all aspects of the new regulatory framework.

As a next step, the Government will release a draft Exposure Bill reflecting the Principles outlined in this Paper. The draft Exposure Bill will form the basis for the second round of public consultation. The Government encourages continued industry involvement in this important task and will be providing further opportunities for discussion of implementation issues.

June 2004

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.1

Question No. 68

Senator Ludwig asked the following question at the hearing on 14 February 2005:

Which industry groups are represented on the AML/CTF Advisory Group?

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

The Ministerial Advisory Group chaired by the Minister for Justice and Customs includes representatives from the following industry groups:

- Australian Bankers' Association
- Certified Practising Accountants of Australia
- Financial Planning Association
- Institute of Chartered Accountants of Australia
- International Banks and Securities Association of Australia
- Australian Casino Association
- Credit Union Services Corporation (Australia) Ltd
- Investment and Financial Services Association Ltd
- Australian Institute of Conveyancers
- Australian Finance Conference Ltd
- Jewellers Association of Australia
- Securities and Derivatives Industry Association
- Law Council of Australia
- Australian Association of Permanent Building Societies
- Securities Institute of Australia

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.1

Question No. 69

Senator Ludwig asked the following question at the hearing on 14 February 2005:

- (a) Has the department begun to prepare the FATF 40 draft exposure bill?
- (b) When will the draft exposure bill be released?
- (c) What steps are being examined to ensure that the burden of compliance for industry is minimised?
- (d) Are any steps being take for the specific benefit of small business?

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

- (a) Yes.
- (b) The Government expects to release a draft exposure Bill later in 2005.
- (c) An extensive consultation process is continuing with industry representatives to design a cost effective anti-money laundering system that will meet international standards while responding to the needs of Australian industry. Three key principles will guide the implementation process:
 - a. Effective regulation must be balanced by a sensible approach to the impact on industry, including small business, and on customers;
 - b. Regulation should apply consistently across industry sectors, while acknowledging differing business practices and risk factors; and
 - c. Australia's systems and procedures should enhance our contribution to international cooperative networks and complement international measures.
- (d) Yes. Extensive consultations with a range of industry sectors including the small business sector are informing the design of anti-money laundering reforms. The Government is exploring with industry options for standardised reporting and record-keeping formats that meet the needs of law enforcement while remaining cost effective for business. The Office of Small Business is involved in Commonwealth agency consultations and also attends meeting of the Systems Working Group.

Further information about Australia's anti-money laundering reform process can be found at www.ag.gov.au/aml

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.1

Question No. 70

Senator Stott-Despoja asked the following question at the hearing on 14 February 2005:

1. Is the Government aware of proposed changes to the law of provocation in the State of Victoria, and indications of similar changes in South Australia?
2. Does the Government agree that these changes have the potential to combat the injustices often faced by women who experience violence?
3. In 1998, the Model Criminal Code Officers Committee produced a discussion paper that recommended the provocation defence be abolished. Is the Government aware of any moves to finalise the Committee's work on this issue?
4. If not, does the Government intend to pursue this issue with the Committee?
5. If not, why not?

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

1. Yes.
2. The defence of provocation is currently available in all States and Territories with the exception of Tasmania. It is not available for Commonwealth offences. Reform of these laws is a matter for the States and Territories.

The Australian Government is committed to preventing, reducing and responding to domestic and family violence and sexual assault. The government has committed over \$132 million to initiatives in this area:

- \$50 million for Partnerships Against Domestic Violence;
- \$23.2 million for the National Initiative to Combat Sexual Assault; and
- \$60 million specifically for programmes to prevent Indigenous Family Violence.

This includes \$6.7 million additional funding in 2003-04 and 2004-05 to enhance the national campaign for the elimination of violence against women - the Violence Against Women: Australia Says NO campaign.

3. MCCOC continues to have competing priorities which are utilising their limited resources at this time. Therefore it has been unable to finalise the report.
4. No.
5. The defence of provocation is not available for Commonwealth offences. This is an issue for the State and Territories. State and Territories can reform their laws independently without waiting for completion of the MCCOC report.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output: 2.1

Question No. 71

Senator Ludwig asked the following question at the hearing on 14 February 2005:

In relation to extradition cases

- a) Is the fact that a person has spent more time in jail awaiting extradition than they would have spent had they been convicted of the crime for which they are being extradited taken into account when deciding to proceed with an extradition case?
- b) What weight is given to the likelihood of a person receiving a fair trial upon extradition?
- c) What assistance does the Attorney-General's Department provide to foreign governments to make 'no evidence' requests?
- d) What requirement is there for a Statement of Facts to be supported by evidence?
- e) What guidelines are there governing the number of repeated applications to be made in Australia for a person's extradition to ensure that it is not used vexatiously?

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

- a) Yes.
- b) The likelihood of the person receiving a fair trial if surrendered is a matter the Minister takes into account in the exercise of his discretion under s.22(3)(f) of the *Extradition Act 1988* ('the Act').
- c) The Attorney-General's Department provides foreign governments with advice on what documents are required in support of a 'no evidence' request. The Attorney-General's Department will, on request, consider a draft extradition request and advise whether the draft request meets Australian requirements.
- d) The Act and all bilateral extradition treaties require a statement of the conduct constituting the offence to be provided in support of an extradition request. Evidence is only required to be produced in support of the request where the Act or the relevant treaty requires that evidence to satisfy the *prima facie* test be produced.

The statement of conduct, which is usually prepared by a prosecutorial authority or an investigating police officer, must set out the alleged acts and omissions of the person which give rise to the criminal offence(s) for which extradition is sought. The statement of conduct must be sufficiently detailed to enable a Magistrate conducting extradition proceedings under ss.18 or 19 of the Act to be satisfied that, if the conduct of the person had taken place in the relevant Australian jurisdiction at the time the request is received, that conduct would have constituted an extradition offence in that part of Australia, that is, that the 'dual criminality' requirement is satisfied.

- e) There are no guidelines. Under s.16(1) of the Act, the Minister has a general, unfettered discretion whether to issue a notice to a Magistrate to commence extradition proceedings. Extradition requests can only be made by the government of the requesting country. Extradition is a complex, lengthy and costly process governed by international treaties and legislation which is not lightly used by extradition partners.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.1

Question No. 72

Senator Ludwig asked the following question at the hearing on 14 February 2005:

Regarding the Action Plan to Eradicate Trafficking in Persons, how much of the \$20 million in funding has already been spent? Furthermore, please provide a breakdown of the expenditure of that funding to date.

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

This question was answered by the Department in response to Question No. 61 asked by Senator Ludwig on 2 December 2004. The Department's response was submitted to the Committee on 11 February 2005.

Since the Department responded to Question No. 61, asked by Senator Ludwig on 2 December 2004, no further funding has been expended by AGD or the AFP.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.1

Question No. 73

Senator Ludwig asked the following question at the hearing on 14 February 2005:

Has the Department conducted any reports or investigations into the effectiveness of the Plan? If yes, please provide. If not, why not?

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

This question was answered by the Department in response to Question No 62 asked by Senator Ludwig on 2 December 2004.

Since the Department responded to Question No 62 asked by Senator Ludwig on 2 December 2004:

- (a) 42 suspected victims of trafficking have now participated in the Government's victim support program, and
- (b) the Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004 was referred to the Senate Legal and Constitutional Legislation Committee on 9 February 2005. The Senate Legal and Constitutional Legislation Committee tabled its report in the Senate on 10 March 2005.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.2

Question No. 74

Senator Bolkus asked the following question at the hearing on 14 February 2005:

What inquiries have we made to ascertain whether Mr Habib had been taken to Egypt?

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

The Department of Foreign Affairs and Trade sought consular access to Mr Habib in Egypt in late 2001 and early 2002. Despite repeated inquiries, including at the highest levels, Egyptian authorities never acknowledged Mr Habib was in Egypt.

The Secretary of the Attorney-General's Department wrote to Mr Habib's lawyer in February 2005 seeking a complete statement of all of Mr Habib's allegations. To date no response has been received.

In light of the allegations made by Mr Habib on television on 13 February 2005, the Minister for Foreign Affairs requested Australia's posts in Cairo and Islamabad to make representations to the Pakistani and Egyptian Governments to investigate Mr Habib's claims.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.2

Question No. 75

Senator Bolkus asked the following question at the hearing on 14 February 2005:

How many detainees have been sent back to their countries of citizenship or origin for trial?

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

The Pentagon has advised that it does not provide aggregate figures for detainee transfers.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.2

Question No. 76

Senator Bolkus asked the following question at the hearing on 14 February 2005:

Would you seek advice on this (Hovell) advice and come back to us and assure us that you are satisfied that there are no charges available?

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

The views of Ms Hovell have been conveyed to the Commonwealth Director of Public Prosecutions for his consideration.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.2

Question No. 77

Senator Bolkus asked the following question at the hearing on 14 February 2005:

Provide the agreement between the governments as to the prosecution of Hicks.

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

No. The document is a confidential Government to Government document. A copy has been provided to Mr Hicks' defence team and the prosecution.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.2

Question No. 78

Senator Bolkus asked the following question at the hearing on 14 February 2005:

In respect of this decision by the military commission's Mr Altenburg, the applicable burden of proof there was not 'beyond reasonable doubt'; it was whether he was more likely than not to have committed an offence. Clarify the relevant burden of proof.

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

United States authorities advise that when deciding whether or not to approve charges against a detainee the Appointing Authority is not required to make an independent finding of guilt beyond a reasonable doubt before referring a case for trial. He must be satisfied that there is sufficient evidence to present to a commission from which the commission could find guilt beyond a reasonable doubt viewing the government's evidence in the most favourable light.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.2

Question No. 79

Senator Ludwig asked the following question at the hearing on 14 February 2005:

Please provide a list of all companies and organisations currently participating in TISN, including participating members.

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

The following companies and organisations are currently participating in the TISN:

Attorney-General's Department (including Emergency Management Australia and the Protective Security Coordination Centre)

Australian Security Intelligence Organisation

Department of Agriculture, Fisheries and Forestry

Department of Communications, Information Technology and the Arts

Department of Defence

Department of Health and Ageing

Department of Industry, Tourism and Resources

Department of the Prime Minister and Cabinet

Department of Transport and Regional Services

ACT Department of Justice and Community Safety

ACT ESB Emergency Management

ACT Treasury

Australian Local Government Association

Northern Territory Department of the Chief Minister

NSW Department of Commerce

NSW Department of Energy, Utilities and Sustainability

NSW Premier's Department

NSW State Emergency Management Committee

Queensland Department of Innovation and Information Economy

Queensland Department of the Premier and Cabinet

Queensland Office of Energy

South Australia Department of Administrative and Information Services

South Australia Department of Premier and Cabinet

South Australia Department of Primary Industries and Resources

South Australian Department of Treasury and Finance

State Security Unit (Tasmania)

Tasmania Department of Infrastructure, Energy and Resources

Victoria Department of Infrastructure

Victoria Department of Premier and Cabinet

Western Australia Department of Premier and Cabinet

Police services and fire authorities from each of the States and Territories.

ActewAGL
Air Services Australia
AMP Retail Pty Ltd
Australasian Fire Authorities Council (AFAC)
Australasian Railways Association
Australia and New Zealand Banking Group Ltd
Australia Post
Australian Airports Association
Australian Association of Permanent Building Societies
Australian Bankers' Association
Australian Broadcasting Commission
Australian Bulk Handlers Association
Australian Chamber of Commerce and Industry
Australian Chicken Meat Federation
Australian Coal Association
Australian Council of Emergency Services
Australian Dairy Farmers
Australian Diagnostic Imaging Association
Australian Finance Conference
Australian Food and Grocery Council
Australian Hotels Association
Australian Institute of Petroleum
Australian Liquefied Petroleum Gas Association
Australian Payments Clearing Association Ltd
Australian Petroleum Production and Exploration Association
Australian Pipeline Industry Association
Australian Pork Limited
Australian Private Hospitals Association
Australian Rail Track Corporation
Australian Railroad Group
Australian Red Cross
Australian Red Cross Blood Service
Australian Retailers' Association
Australian Seafood Industry Council
Australian Self-Medication Industry
Australian Stock Exchange
Australian Water Association
AVCARE
Barwon Water
Board of Airline Representatives of Australia Inc.
Brisbane Water
Broadcast Australia
Cairns Water
Catholic Health Australia
Central Highlands Water
Citiwater
City West Water
Commercial Radio Australia
Commercial Television Australia

Commonwealth Bank
Commonwealth Serum Laboratories
Confederation of Ambulance Authorities (CAA)
Connex
Council of Capital City Lord Mayors
Credit Union Services Corporation (Australia) Ltd
Department of Energy, Utilities and Sustainability
ElectraNet SA
Energy Supply Association of Australia
Food Science Australia
Food Standards Australia New Zealand
Geoscience Australia
Gippsland Water
Gold Coast City Council
Goulburn-Murray Water
Great Southern Rail
Health Communication Network
Hobart Water
Horticulture Australia Limited
Hunter Water
Hutchison
Independent Transport Safety and Reliability Regulator (NSW)
Insurance Australia Group
International Banks and Securities Association of Australia
Internet Industry Association
Investment and Financial Services Association Ltd
Luna Park Sydney
Macquarie Bank
Meat and Livestock Australia
Medical Industry Association of Australia
Medical Software Industry Association
Medicines Australia
Melbourne & Olympic Parks Trust
Melbourne Cricket Club
Melbourne Water
National Australia Bank
National Electricity Market Management Company (NEMMCO)
National Farmers' Federation
Pacific National
Packaging Council of Australia
Power and Water Authority
PowerWater NT
Property Council of Australia
Public Transport Authority (WA)
Qantas Airways Limited
Queensland Rail
Queensland Tourism Industry Council
Queensland Transport
RailCorp (NSW)
Refrigerated Warehouse and Transport Association

Regional Aviation Association of Australia
Royal Flying Doctor Service
SA Water
Safe food Queensland
Singtel Optus
Snowy Hydro Limited
South East Water
Special Broadcasting Service
St George Bank
State Water
Stockland
Sun Water
Suncorp Metway
Sydney Airports Corporation Limited
Sydney Catchment Authority
Sydney Cricket & Sports Ground Trust
Sydney Futures Exchange
Sydney Opera House
Sydney Water
Telstra
Telstra Stadium
TX Australia
V/Line Passenger Pty Ltd
Virgin Blue Airlines
Virgin Mobile Australia
Vodafone
Water Corporation
Water Services Association of Australia
Western Australia Energy Safety
Western Water
Westfield Australia
Westpac
Westpac Banking Corporation
Westralia Airports Corporation
Yarra Trams
Yarra Valley Water

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.2

Question No. 80

Senator Ludwig asked the following question at the hearing on 14 February 2005:

- (a) How many terrorist organisations have been listed under the *Criminal Code Amendment (Terrorist Organisations) Act*?
- (b) Which terrorist organisations have been listed?

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

(a) To date, eighteen organisations have been listed as terrorist organisations under the *Criminal Code Act 1995* (the Criminal Code). Since the enactment of the *Criminal Code Amendment (Terrorist Organisations) Act* (the Terrorist Organisations Act) two organisations have been listed and seven re-listed. All organisations listed since the commencement of the relevant provisions of the Criminal Code are set out at the national security website www.nationalsecurity.gov.au. As organisations are listed, or re-listed, the website will be updated.

(b) The Terrorist Organisations Act commenced on 10 March 2004.

The Act amended the Criminal Code and enables a group to be listed as a terrorist organisation under the *Criminal Code Regulations 2002* without the previous prerequisite that the group be identified as such by the UN Security Council. The Act means the Australian Government can list terrorist organisations based on Australia's national interest and security needs.

Listing of terrorist organisations under the *Criminal Code Regulations 2002* has effect for a two year period, after which time the listing will sunset.

Since the enactment of the Terrorist Organisations Act, the following organisations have been listed and re-listed as terrorist organisations:

Palestinian Islamic Jihad – listed on 3 May 2004

Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn – listed on 2 March 2005

The following organisations have been re-listed as terrorist organisations:

Al Qa'ida - re-listed on 1 September 2004

Jemaah Islamiyah - re-listed on 1 September 2004

Abu Sayyaf Group- re-listed on 5 November 2004

Jamiat ul-Ansar (JuA) - re-listed on 5 November 2004

Armed Islamic Group – re-listed on 5 November 2004

Salafist Group for Call and Combat/GSPC - re-listed on 5 November 2004

Ansar al-Islam – re-listed on 27 March 2005

The table below provides details of the dates of the listing and re-listing of all eighteen organisations.

<u>Organisation</u>	<u>Date of listing/re-listing</u>
Al Qa'ida September 2004	21 October 2002 and re-listed on 1
Jemaah Islamiyah September 2004	27 October 2004 and re-listed on 1
Abu Sayyaf Group November	14 November 2002 and re-listed on 5 2004
Jamiat ul-Ansar (JuA) November	14 November 2002 and re-listed on 5 2004
Armed Islamic Group November	14 November 2002 and re-listed on 5 2004
Salafist Group for Call and Combat/GSPC November	14 November 2002 and re-listed on 5 2004
Ansar al-Islam March 2005	27 March 2003 and re-listed on 27
Al-Jihad/Egyptian Islamic Jihad	11 April 2003.
Asbat Al-Ansar	11 April 2003
Islamic Army of Aden	11 April 2003
Islamic Movement of Uzbekistan	11 April 2003
Jaish-I-Mohammed	11 April 2003
Lashkar I Jhangvi (LJ)	11 April 2003
Hizballah External Security Organisation	6 June 2003
HAMAS' Izz al-Din al-Qassam Brigades	9 November 2003
Lashkar-e-Tayyiba	9 November 2003
Palestinian Islamic Jihad	3 May 2004
Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn	2 March 2005

The Federal Executive Council met on 7 April 2005 to consider regulations under the *Criminal Code Regulations 2002* to re-list the following organisations as terrorist organisations:

Egyptian Islamic Jihad
Asbat Al-Ansar
Islamic Army of Aden
Islamic Movement of Uzbekistan
Jaish-e-Mohammad
Lashkar-e Jhangvi (LeJ)

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN FEDERAL POLICE/AUSTRALIAN SECURITY
INTELLIGENCE ORGANISATION

Question No. 81

Senator Ludwig asked the following question on 15 February 2005.

Given the AFP officers have advised there was no evidence of Mr Habib having been physically harmed/ mistreated, can you advise:

- a) On what evidence did AFP form this view?
- b) Did the AFP conduct any examinations themselves?
- c) Did they see reports from anyone else's examinations?
- d) Was a thorough medical examination conducted on Mr Habib?
 - i. Who conducted the examination?
 - ii. What did this medical examination include?
 - iii. What were the results of this examination?
- e) Were any enquires made to the Pakistani authorities about the medical condition of Mr Habib when he was first detained?
 - i. What information was obtained from these enquiries?
- f) Did the Pakistani authorities conduct their own medical examination of Mr Habib at any time while he was in their custody?
 - i. When did any examination take place?
 - ii. What were the results?
 - iii. Was there any written report?
 - iv. Did Australian officials either see, or request a copy of any report?

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

- a) Neither the AFP nor the ASIO officers who had contact with Mr Habib in Pakistan observed any evidence of physical harm or maltreatment.
- b) No.
- c) No.
- d) Neither agency is aware of whether a medical examination of Mr Habib was conducted.
- e) Yes, both agencies enquired about Mr Habib's wellbeing.
 - i. Pakistani authorities advised Mr Habib was in good health and had been provided prescribed medication for a pre-existing condition.
- f) See (d).

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
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Output 2.2

Question No. 82

Senator Ludwig asked the following question at the hearing on 14 February 2005:

Business-Government ministerial forum: What was the number there in terms of a breakdown between NGOs, private businesses, consultants representing industry and government?

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

Of the organisations that indicated that they would attend, there were six NGOs and 41 major businesses. Eight Australian Government Ministers attended, as well as officials from Australian Government agencies and representatives from State, Territory and local governments.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.2

Question No. 83

Senator Ludwig asked the following question at the hearing on 14 February 2005:

Infrastructure assistance advisory groups: (a) What dates has each committee meet? (b) Please provide dates for future meetings.

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

(a) The Infrastructure Assurance Advisory Groups (IAAGs) have met as follows:

Banking and Finance IAAG	4 July 2003 10 June 2004 23 September 2004 12 November 2004 8 December 2004 2 March 2005
Communications IAAG	10 June 2003 8 July 2003 16 September 2003 25 November 2003 4 March 2004 15 June 2004 8 September 2004 8 December 2004
Emergency Services IAAG	10 March 2004 28 May 2004 9 September 2004
Energy IAAG	4 September 2003 21 November 2003 16 June 2004 1 October 2004
Food Chain IAAG	29 August 2003 28 October 2003 5 March 2004 5 May 2004 1 July 2004 12 November 2004

Health IAAG	19 September 2003 19 November 2003 1 April 2004 8 June 2004 30 July 2004 9 November 2004
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Icons and Public Gatherings IAAG	15 September 2004 26 October 2004 22 February 2005
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Transport IAAG (note this IAAG is still in formation)	
Aviation Group	22 November 2004
Rail Group	25 November 2004

Water Services IAAG	8 September 2003 4-5 May 2004 6-7 December 2004
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(b) The dates for the next meetings of the IAAGs are as follows:

Banking and Finance IAAG	14 April 2005
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Communications IAAG	23 March 2005
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Emergency Services IAAG	April 2005
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Energy IAAG	To be advised
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Food Chain IAAG	18 March 2005
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Health IAAG	11 March 2005
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Icons and Public Gatherings IAAG	To be advised
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Transport IAAG (note this IAAG is still in formation)	
Aviation Group	23 March 2005
Rail Group	21 April 2005
Maritime Group	11 March 2005

Water Services IAAG	May 2005
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