

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

Output 2.3

Question No. 71

Senator Brandis asked the following question at the hearing on 18 February 2008:

Please provide the following details in relation to the inquiry into Dr Haneef:

- a) Has the identity of the person or persons by whom the inquiry is to be conducted been decided?
- b) Have the terms of reference of the inquiry, either in the draft or final form, been prepared?
- c) When is it proposed that an announcement in relation to the constitution of the inquiry will be made?
- d) When is it proposed, if a decision in this regard has yet been made, the inquiry will convene?
- e) Will this inquiry be a public or in-camera inquiry?

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

- a) The inquiry will be conducted by former NSW Supreme Court Judge the Honourable John Clarke QC.
- b) The inquiry will examine and report on:
 - the arrest, detention, charging, prosecution and release of Dr Haneef, the cancellation of his Australian visa and the issuing of a criminal justice stay certificate;
 - the administrative and operational procedures and arrangements of the Commonwealth and its agencies relevant to these matters;
 - the effectiveness of co-operation, co-ordination and interoperability between Commonwealth agencies and with state law enforcement agencies relating to these matters; and
 - having regard to the above, any deficiencies in the relevant laws or administrative and operational procedures and arrangements of the Commonwealth and its agencies, including agency and interagency communication protocols and guidelines.
- c) An announcement was made on 13 March 2008.
- d) The precise conduct of the inquiry is a matter for Mr Clarke. The Government has requested that the inquiry report by 30 September 2008.
- e) The precise conduct of the inquiry will be a matter for Mr Clarke. Mr Clarke has indicated he will conduct the inquiry in a way which ensures the protection of national security information, ongoing investigations and upcoming overseas trials. Mr Clarke has also indicated he will ensure

there are opportunities for public input into the Inquiry, including by advertising for submissions and conducting public forums on the operation of our counter-terrorism laws and arrangements.