



**ATTORNEY-GENERAL
THE HON ROBERT McCLELLAND MP**

NEWS RELEASE

13 March

011/2008

CLARKE INQUIRY INTO THE HANEEF CASE

Former NSW Supreme Court Judge the Hon. John Clarke QC will head a judicial inquiry into the case of Dr Mohamed Haneef.

Mr Clarke was a judge of the NSW Supreme Court from 1983 to 1997 and sat on the NSW Court of Appeal from 1987 to 1997. Mr Clarke has also had a distinguished career as a barrister, mediator and arbitrator.

The establishment of the Clarke Inquiry is an important step in ensuring public confidence in Australia's counter-terrorism measures, and delivers on the Government's election commitment to establish an independent judicial inquiry into the handling of the Haneef case.

The Clarke Inquiry will enable interested parties to have their say, establish the facts of the case and make appropriate recommendations to ensure Australia's security agencies are functioning as best as they possibly can – individually and collectively.

The Clarke inquiry will examine and report on:

- a) 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;
- b) the administrative and operational procedures and arrangements of the Commonwealth and its agencies relevant to these matters;
- c) the effectiveness of cooperation, coordination and interoperability between Commonwealth agencies and with state law enforcement agencies relating to these matters; and
- d) having regard to (a), (b) and (c), 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.

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.

It is in the interests of all parties to ensure public confidence in our national security agencies. The Government has been assured that all Commonwealth agencies will cooperate fully with the Clarke Inquiry.

The Government believes the Clarke Inquiry is the most effective and appropriate way to investigate the Mohamed Haneef case, while ensuring ongoing national security operations and overseas trials are not compromised.

The Clarke Inquiry will present a public report which, if necessary, may be supplemented by a confidential report.

The Clarke Inquiry will be asked to report by 30 September 2008.

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