



Law Council
OF AUSTRALIA

MR1708
31 July 2008

Media Release

Despite Faith in Clarke QC, Law Council Urges Changes to Haneef Inquiry

Concerns about the course the Haneef Inquiry has taken have prompted the Law Council to write to the Commonwealth Attorney-General urging him to provide a proper statutory basis for the inquiry going forward.

The Law Council's letter follows a statement made by inquiry head, John Clarke QC, in which it was revealed that information requested of Government agencies had only been provided "in the main" and only after protracted negotiations.

Mr Clarke also revealed that, despite earlier expectations, a large part of the information gathered by the inquiry would not be able to be made public.

Law Council President Ross Ray QC said, "The Law Council has every faith in Mr Clarke and his determination to deliver a thorough and independent report on the conduct of the Haneef case."

"However, the reality is that under the current arrangements, what information is provided to Mr Clarke and on what terms is a matter entirely within the control of the agencies involved."

Mr Ray said that whether or not more information would be disclosed and/or made publicly available if the inquiry were to be reconstituted as a Royal Commission or under special statute, was not the point.

"From a credibility perspective, the issue is who is making these decisions about disclosure and publication and on what criteria," he said.

"It is for that reason that I have urged the Commonwealth Attorney-General to take the necessary steps to provide a proper statutory framework for the inquiry which will ensure that it is able to access all relevant information on terms which are provided for by law, rather than on terms which are dictated by the parties involved."

"Without such a framework, the Government risks undermining public confidence in the ultimate outcome of the inquiry," Mr Ray concluded.

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The Law Council of Australia exists to represent the legal profession at the national level, to speak on behalf of its constituent bodies on national issues, and to promote the administration of justice, access to justice and general improvement of the law.



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