



ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

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Supplementary Submission 10.5
TT 11 October 2005

Dr Andrew Southcott MP
Chair
Joint Standing Committee on Treaties
Parliament House
CANBERRA ACT 2600

BY FACSIMILE: 6277 2219

Andrew
Dear Dr Southcott

Convention on the Marking of Plastic Explosives for the Purpose of Detection

I acknowledge receipt of your letter of 18 April 2006 seeking clarification of the following outstanding issues of concern with respect to this Convention:

- **The purpose of adding DMNB to plastic explosives and how DMNB would make plastic explosives more easily identifiable and detectable, thereby inhibiting their improper use.**

The original idea of the Convention was to use marking to improve detection of plastic explosives. Although methods of detecting plastic explosives have improved since 1991, the Convention has utility in other respects.

For example, all but a handful of countries in the world have now marked their plastic explosives in line with the Convention. The Convention provides a way of distinguishing between explosives that come from legitimate sources as opposed to the black market. While marker itself does not extend to forensically identifying the exact source of the explosives, the requirement to mark plastic explosives provides police with a useful charge in the event that there is uncertainty about the exact source of a plastic explosive and it is clear that a plastic explosive is not marked.

The chemical DMNB, is one of four types of chemical markers which are prescribed by the Technical Annex to the Convention as required to be incorporated into a plastic explosive.

The Committee has previously been advised that the positive identification and quantitation of explosive markers would be undertaken by a fully accredited forensic laboratory such as the National Measurement Institute (NMI). This testing would be undertaken in line with the proposed regulatory approach outlined by the officials from the Australian Customs Service (Customs) and my Department at the Committee's review on 27 February 2006.

The detection of the chemical marker in the plastic explosive by an accredited laboratory would assist in the enforcement of the offence provisions provided for in the *Law and Justice Legislation and Amendment (Marking of Plastic Explosives) Bill 2006*.

- **Whether new equipment will be purchased and the exact cost of the equipment per unit, where the equipment will be located and what the equipment's function and ability will be in terms of fulfilling Australia's obligation under the Convention.**

I am aware that at the Committee's review on 27 February 2006, an officer from Customs advised the Committee that Customs has existing machines at sea cargo facilities which the manufacturers have advised, can be programmed to test markers or taggants, however Customs has not yet tested this facility (JSCOT Review 27 February 2006 at TR33).

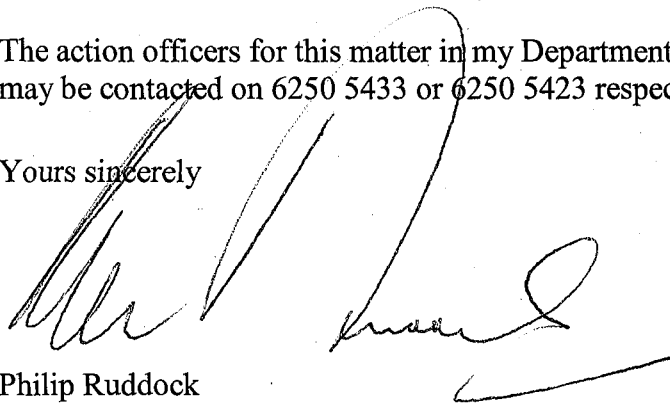
Customs also advised the Committee that there exists technology capable of detecting plastic explosives but that the plastic explosives would then be sent to a laboratory for the actual marker to be identified. The officer advised the Committee that the current international process was for laboratories to identify taggants and markers. This would include the identification of the prescribed chemical marker, DMNB (JSCOT Review 27 February 2006 at TR34).

I understand that in April 2006 Customs provided the Committee with a schedule of Explosives Detection Equipment and that this information is operationally sensitive material.

Your letter also refers to evidence provided to the Committee on 7 November 2005, by an officer from my Department concerning budgetary issues. The officer was correct in advising that he was not at liberty to disclose the outcome of budget deliberations. However, the officer was alluding to the fact that the cost was likely to be substantially less than the original estimate put forward in the National Interest Analysis because appropriate regulation can be achieved without the purchase of specific equipment. The officer has already indicated that there is equipment at the airport to detect explosives including plastic explosives, that equipment also exists which can be calibrated to detect chemical markers and that through utilisation of that equipment and further laboratory testing, there will be adequate protection of the public.

The action officers for this matter in my Department are Kirsten Kobus or Annabel Knott who may be contacted on 6250 5433 or 6250 5423 respectively.

Yours sincerely

A large, stylized handwritten signature in black ink, appearing to read 'Philip Ruddock', is written over the 'Yours sincerely' text and extends to the right.

Philip Ruddock