



PARLIAMENT of AUSTRALIA

MEDIA RELEASE

PARLIAMENTARY JOINT COMMITTEE ON INTELLIGENCE AND SECURITY

ASIO's questioning and detention powers

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Committee supports ASIO's compulsory questioning power

The Parliamentary Joint Committee on Intelligence and Security has released the report for its review of Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979* – ASIO's questioning and detention powers.

Division 3 of Part III allows ASIO, upon obtaining either a *questioning warrant* or a *questioning and detention warrant*, to question a person under compulsion in order to obtain intelligence that is important in relation to a terrorism offence.

The Chair of the Committee, Mr Andrew Hastie MP said that 'the Committee carefully examined ASIO's ongoing need for a compulsory questioning power and concluded on the basis of evidence received that it is appropriate that ASIO retain this power'.

'On the question of detention, however, the Committee concluded that questioning and detention warrants should be repealed and replaced with an alternative apprehension framework that ensures attendance at questioning, prevents contact with others, and prevents the destruction of information', Mr Hastie added.

The Committee made four recommendations in its report:

- that ASIO retains a compulsory questioning power,
- that ASIO's current detention powers, as set out in Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979*, be repealed,
- that the Government develop legislation for a reformed ASIO compulsory questioning framework and introduce legislation by the end of 2018, with the bill referred to the Parliamentary Joint Committee on Intelligence and Security for review, and
- that the existing sunset date for these powers of 7 September 2018 be extended by 12 months to allow sufficient time for legislation to be developed and reviewed.

The Committee recognised during its review that the compulsory questioning power, which was designed to respond to a particular terrorist threat, has over time become limited in its utility. The Committee has made a series of findings in its report that are intended to guide development of a reformed questioning regime.

The report is available on the Committee's website at www.aph.gov.au/pjcis.

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