



Parliamentary Joint Committee on ASIO, ASIS and DSD

Chairman, the Hon David Jull, MP

CANBERRA

26 March 2002

COUNTER TERRORISM

Review of the ASIO Legislation Amendment (Terrorism) Bill 2002

The Parliament has requested the Parliamentary Joint Committee on ASIO, ASIS and DSD to review the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002.

The amendments contained in the Bill will empower ASIO to seek a warrant which allows the detention and questioning of persons who may have information that may assist in preventing terrorist attacks or in prosecuting those who have committed terrorism offences.

The second reading speech states that 'in order for ASIO to detain and question a person, the Director-General of Security will have to obtain the consent of the Attorney-General before seeking a warrant from a prescribed authority.' A prescribed authority will be either a Federal Magistrate or a member of the Administrative Appeals Tribunal with legal qualifications.

The warrants may provide for:

- custody and detention incommunicado. The second reading speech states that 'at a minimum, such warrants must provide that the person has a right to communicate with the Inspector-General of Intelligence and Security, and the Ombudsman;
- detention for a period of up to 48 hours. The second reading speech states that in 'the extraordinary circumstances in which a further warrant is sought in relation to a person who has already been detained under two consecutive warrants, the Director-General must seek the warrant from a Deputy President of the AAT'; and
- 'a person will not be able to decline to give information or produce a document or thing on the ground that to do so would tend to incriminate them'.

The government states that 'if a person is to be taken into custody immediately and detained, this will be the responsibility of police, normally the Australian Federal Police.'

The Committee will examine these and other aspects of the Bill and report its findings on 3 May 2002. The Committee is seeking submissions from interested individuals and organisations. **The closing date for submissions is Friday, 12 April 2002.**

The Bill and Explanatory Memorandum are available through the Committee's website at: <http://www.aph.gov.au/house/committee/pjcaad/index.htm>

Submissions should be sent or emailed to the address details shown below. For comment, contact Mr David Jull, MP on (07) 3299 1159. For information, phone the inquiry secretary, Mr Stephen Boyd on (02) 6277 4650.

