



amnesty international australia

21 November 2005

To: Senate Legal and Constitutional Committee Secretariat
Att: Julie Dennett, Principal Research Officer

Re: Question on Notice, in relation to the Anti-Terrorism Bill (No.2) 2005

In its recent submission to the Senate Legal and Constitutional Legislation Committee on the provisions of the *Anti-Terrorism Bill (No. 2) 2005*, Amnesty International referred to its concerns with the *National Security Information (Civil and Criminal Proceedings) Act 2004 (Cth)* and drew the Committee's attention to the submissions previously made by Amnesty International to the Committee on this Act in July 2004 and April 2005.

Amnesty International was requested by Senator Brandis to consider whether it was aware of any other statute, Commonwealth or state, which deals with the issue of national security sensitive information and adopts a particular method for the handling of such information.

Amnesty International is aware of various statutes that codify the common law of public interest immunity. These include the *Evidence Act 1995 (Cth)* s130; the *Evidence Act 1995 (NSW)* s130; the *Crime and Misconduct Act 2001 (Qld)* ss192 and 195B and the *Evidence Act 1929 (SA)*. The effect of a successful claim for public interest immunity is that the evidence is completely excluded from the hearing. There is no provision under public interest immunity to provide a limited version of the evidence or limiting the use of the evidence.

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