



# PARLIAMENT of AUSTRALIA

## MEDIA RELEASE

### PARLIAMENTARY JOINT COMMITTEE ON INTELLIGENCE AND SECURITY

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Issue date: 15 June 2017

## Scrutinising ASIO's questioning and detention powers

The Parliamentary Joint Committee on Intelligence and Security will hold a public hearing on Friday for its review of the operation, effectiveness and implications of Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979*.

Division 3 of Part III allows ASIO, upon obtaining a warrant, to either:

- require a person to appear before a prescribed authority for compulsory questioning in relation to a terrorism offence (**a questioning warrant**), or
- have a person taken into custody and detained by police to then appear before a prescribed authority for compulsory questioning in relation to a terrorism offence (**a questioning and detention warrant**).

ASIO's powers under Division 3 of Part III will sunset on 7 September 2018.

In its submission, ASIO stated that a compulsory questioning framework is 'an important intelligence collection tool' and recommended that the compulsory questioning and questioning and detention powers be retained. ASIO further argued that the framework 'must evolve to suit the changing security environment' and went on to make a series of recommendations.

Other submitters supported repealing one or both of the powers, or allowing them to sunset in 2018.

ASIO's submission and those of other witnesses appearing at Friday's hearing are available on the Committee's [website](#).

Committee Chair, Mr Andrew Hastie MP, said "the Committee will use its review to examine the ongoing effectiveness of ASIO's special powers in the fight against terrorism and consider what a compulsory questioning framework, if continued, should look like."

"In doing so, the Committee will be informed by the recent findings of the Independent National Security Legislation Monitor" Mr Hastie said.

**Public hearing: 9.30am to 2.45pm, Friday 16 June 2017, Committee Room 1R4, Parliament House, Canberra**

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| 9.30am to 10.15am: | Inspector-General of Intelligence and Security                           |
| 10.15am to 11.00am | Dr Nicola McGarrity and Professor George Williams AO (by teleconference) |
| 11.00am to 11.45am | Australian Lawyers Alliance (by teleconference)                          |



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1.00pm to 2.45pm: Attorney-General's Department, Australian Security Intelligence Organisation and Australian Criminal Intelligence Commission

The hearing will be broadcast live (audio only) at: [aph.gov.au/live](http://aph.gov.au/live).

### **Background to the Committee's review**

The provisions in Division 3 of Part III of the ASIO Act were [last reviewed](#) by a precursor to the PJCIS in 2005, following which the existing sunset on the legislation was extended to 22 July 2016. With the passage of the *Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014*, the sunset date was further extended to 7 September 2018, subject to reviews by the PJCIS and the Independent National Security Legislation Monitor (INSLM).

In October 2016, the then INSLM, the Hon Roger Gyles AO QC, concluded his review of the legislation. In his [report](#), the INSLM concluded that the provisions for questioning and detention warrants should be repealed or allowed to sunset, and that the remaining provisions, including questioning warrants, should be repealed and "replaced with a questioning power following the model of coercive questioning available under the *Australian Crime Commission Act 2002* (Cth) as closely as possible".

### **Media enquiries:**

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### **For background:**

Parliamentary Joint Committee on Intelligence and Security  
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