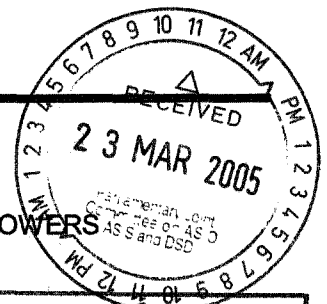


(REPS)



From: [redacted]  
Sent: 9:17 AM  
To: [redacted]  
Subject: FW: RE REVIEW OF ASIO'S DETENTION AND QUESTIONING POWERS

Submission No: 36  
Date Received: 23-3-05  
Secretary: [redacted]

Dear Committee,

As a member of the Australian Journalist's Association I feel I must actively engage in matters that concern the ethics of the media industry.

It is journalists' responsibility to act as a mouthpiece for public concerns. It is also the duty of the media to inform the populace on issues concerning all aspects of community operations, including activities of the government our public elects.

Logic given weight, national security must not be compromised. Having said that, the amendments made in 2003 to the Australian Security and Intelligence Organisation Act 1979, are of special importance. They affect not only Australian journalists but our civilians who rely on the media for reporting on issues of interest to the Australian nation and its residents.

Current laws already exercise enough pressure in silencing out the voice of the media as it is. Further intimidation to industry practitioners, such as the 2003 amendments, enhance the confusion relating to the role of journalism and its standards.

The public already views the media with suspicion. If we, the professionals do not defend the rights of our people and our independence, then we justifiably should lose all remaining credibility.

The punishment for revealing "operational information" can be five-year jail terms. This is extremely harsh sentencing. In certain cases penalties of this kind are not even awarded to persons committing disturbing criminal offences.

Independence of a society means an ability to self-assess and freedom to question its functions. If a government warrant is carried out in entire secrecy, then the system tends to lean towards politics clearly separated from democracy.

No limitation on the amount of warrants issued, means a civilian may be kept indefinitely for 24-hour questioning. Is it really reasonable to keep prisoner a person who PERHAPS could be "substantially" helpful with intelligence collection? How is "substantially" defined anyway?

Legislation only adds to its ambiguity via the term "operational information" as the sort of data not to be published, for two years after a warrant's expiry date. Such terminology and 'grey areas' make the tasks of both legal practitioners and media professionals more difficult in the long run. No one is benefiting in the end.

Newsworthy items have 'currency' as their criteria. Prohibition of information publication for two-years, compromises immediacy. Those 24 months become a period of inaction and a tool of silencing.

Journalists already undergo heavy scrutiny and legal endangerment. By protecting the rights of our media practitioners, we are also looking after the interests of our people as a whole. Human rights must be preserved

above all. We must then have the permission to look into the reasons and methods potential informants are detained.

The situation must be reassessed. We ask that you take your position in supporting a review.

Yours sincerely,

M.Edmonds.

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