

24 March 2005

The Secretary
Parliamentary Joint Committee on ASIO, ASIS and DSD
Parliament House
Canberra ACT 2600

Dear Committee Members,

RE: REVIEW OF ASIO'S DETENTION AND QUESTIONING POWERS

Thank you for the opportunity to make a submission to the Committee on ASIO's detention and questioning powers.

My main concerns are about the amendments made in 2003 to the Australian Security and Intelligence Organisation Act 1979. 34VAA "secrecy relating to warrants and questioning" is particularly worrying as it severely limits freedom of the press in Australia and Australian's right to truth.

I am particularly concerned that the legislation leaves open the possibility of third parties, such as journalists, facing hefty jail terms for disclosing information connected to or in relation to a warrant issued under the Act, for a full two years after the warrant's issue.

I believe this legislation unfairly restricts press freedom. It is important that Government agencies, such as ASIO, are open to public scrutiny. While I believe that some information needs to be kept secret for security reasons, this legislation gags discussions into ASIO's actions. This leaves the door open to arbitrary arrests and human rights abuses.

In a democratic society, it is important that national security is balanced with civil and human rights. This legislation is something that most people will not think about until they are detained by ASIO. Whether they are innocent or guilty does not seem to matter.

I call on the Committee to recommend that the sunset clause (34Y) of Division III of the Act be maintained so that the Division ceases to have effect after 23 July 2006.

Yours sincerely,



ATOSHA McCAW