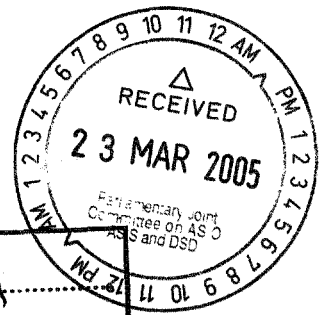


Wednesday, March 23, 2005

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



Submission No: 37  
Date Received: 23-03-05  
Secretary: .....

Dear Committee members

**RE REVIEW OF ASIO'S DETENTION AND QUESTIONING POWERS**

I am writing to express my concern about the amendments made in 2003 to the *Australian Security and Intelligence Organisation Act 1979*. I am deeply concerned about 34VAA "secrecy relating to warrants and questioning". I believe that these provisions severely limit freedom of the press in Australia.

I am particularly concerned that the legislation leaves open the possibility of journalists, facing 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 am also concerned that there is a strict liability clause for anyone who is the subject of a warrant issued under the legislation, or their legal representatives and advisors. Under the Act, neither the subject of the warrant or their legal advisors can disclose any information relating to the warrant or the questioning or detention of persons in connection with the warrant, for up to 28 days.

Equally disturbing is that the subject of the warrant or their legal advisors cannot disclose information if that information is "operational information" for up to two years after the expiry of the warrant. "Operational information" is loosely and broadly defined under the Act.

These sections effectively gag public debate about ASIO's detention and questioning techniques and the subject matter of any operations. While certain security information is sensitive, I am deeply disturbed these amendments gag all discussion of ASIO operations.

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  
BELINDA CONNOLLY