

To the Committee Secretary,
Parliamentary Joint Committee on ASIO, ASIS and DSD
Parliament House,
Canberra.

23 Mar, 2005.

Dear Secretary.

Review of ASIO's New Powers to Detain and Question Over Terrorism.

Thank you for inviting public input. It is important.
I am an ordinary member of the Greens.

Detention of people not even suspected of terrorist activity.

ASIO has power to detain those who direct, recruit for, train in, and fund listed "terrorist" groups. This power is now extended to detain even non members of such groups who only meet or talk with members of such groups, to support that group. This extension of powers to detain and question is excessive and unacceptable.

Long Detention and Questioning of Suspects.

ASIO now has power to detain you in secret for up to seven days, and question you for up to 48 hours without reasonable sleep. This includes non members of listed "terrorist" groups. This is too long. Police may detain for up to 12 hours without charge. Surely this is long enough.

No Right To Silence.

You have no right to silence to ASIO questioning; unless you can prove to ASIO you don't have the information they seek. (How can you do this in detention, without a lawyer ?) Non compliance can mean up to five years jail.

In the destabilising environment of interrogation, the right to silence is very important. Its easy to say the wrong thing, especially after long hours of hostile questioning, severe threats to your self , if not lack of sleep.

Limited Right to a Lawyer.

ASIO is not required to let you have a lawyer while they question you. If they do, they can remove your lawyer if your lawyer disrupts their questioning.

In the destabilising environment of interrogation, legal advice on your answers is very important. It is easy to say the wrong thing, especially after long hours of hostile questions, trying to incriminate you, and threats against yourself, if not lack of sleep.

No Right to Tell Others of Your Trauma.

ASIO laws forbid you from talking to others, for the next two years, about how ASIO might have interrogated you. Such interrogation is extremely distressing, especially to the innocent and those not hardened to severe threats. You would need much support to recover.

Confiscating Passports and Not Allowed to Travel.

ASIO can confiscate foreign passports and prevent people from leaving Australia, without their having a warrant to arrest. This is too restrictive for people with family overseas, and need to travel.

Lack of Information on ASIO's Activities.

People are not allowed to talk to others for the next two years about how ASIO detained and questioned them. So its extremely difficult to spread the word on interrogations by ASIO.

How can the people oppose injustice if they can't hear about it ?

This also limits your Committee's ability to review ASIO activity.

Suggested Remedies.

Clearly, ASIO's powers are now excessive.

If these new terror laws are supposed to prevent terrorism in Australia, instead of introducing it, then these terror laws need some changes.

If ASIO or AFP think a person has useful information on terrorism, then let them use the normal police powers and procedures to get this information from the person.

Why not require ASIO to provide some real evidence that the person has actually directed, trained in, recruited for or funded terrorism, *before* giving ASIO these extreme powers ?

Why attack other countries that had not attacked Australian cities ? This only makes enemies overseas who want to strike back at us.

Yours Sincerely,
Mike Browning.