

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

**Question No. 182**

**Senator Ludwig asked the following question at the hearing on 14 February 2006:**

Further to the reply to Question 109 of 31 October 2005:

- a) What were the issues surrounding the occasions on which ASIO was sued?
- b) What were the allegations of trespass, assault and unlawful detention by the individuals?
- c) Were any personnel involved in the incident faced disciplinary action in connection to the incident?
  - i) If so, please provide details of the nature of the disciplinary action, the reason for the action and the outcome of the action.
- d) Has ASIO updated or revised any of its procedures as a result of the incident?
  - i) If so, provide details as to the revision?

**The answer to the honourable senator's question is as follows:**

- a) The issues were identified in the reply to Question 109 of 31 October 2005. In 2004, two plaintiffs commenced proceedings against the Commonwealth alleging trespass, assault and unlawful detention by ASIO officers. The two cases arose out of the one incident.
- b) The plaintiffs claimed there was no lawful authority for entry to property.
- c) No
- d) ASIO introduced a policy of preparing a notice to occupants of premises which are subject to an overt search. The notice identifies the specific premises which are the subject of the warrant and outlines the effect of the warrant.