

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

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Question No. 65

Senator Stott-Despoja asked the following question at the hearing on 31 October 2005:

The Parliamentary Joint Committee on ASIO, ASIS and DSD (PJCAAD) is currently reviewing the efficacy and operation of Division 3, Part III of the *Australian Security Intelligence Organisation Act 1979*.

- (a) Can you explain why the Anti-Terrorism Bill 2005 has been introduced into the Parliament before the statutory and Parliamentary reviews into current anti-terror legislation have been completed?
- (b) On what basis can further regulation in this area be justified when we are not aware of the efficacy and issues about the operation of existing laws in this area?

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

(a) The Parliamentary Joint Committee on ASIS, ASIS and DSD review is limited to Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979*. That Division contains the provisions enacted in July 2003 which enable ASIO to obtain a warrant to question, and in limited circumstances detain, a person who may have information relevant to a terrorism offence.

The Anti-Terrorism Bill 2005 does not extend ASIO's questioning and detention powers. The new control orders and preventative detention orders in the Bill are police powers. The Bill represents a collaborative approach by the Council of Australian Governments as a result of the evolving security environment in the context of the terrorist attacks in London in July 2005.

(b) The Australian Government is continually strengthening counter-terrorism laws to help protect us from emerging threats. The new laws are designed to enable us to better deter, prevent, detect and prosecute acts of terrorism in the changing security environment. Law enforcement agencies advised the Government that the introduction of a regime allowing preventative detention during terrorist situations might be critical in preventing an escalation of the incident or subsequent attacks. Some of the new laws also draw directly from the experience and observations of the Australian Federal Police, state police and officials from the Department of Transport and Regional Services who travelled to London after the bombing. There is no room for complacency in protecting Australia and Australians from terrorist activity.

The enactment of new laws now does not prevent subsequent review, or the taking into account of relevant findings of any current reviews at a later stage.