

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

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Question No. 66

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

During the Parliamentary Joint Committee on ASIO, ASIS and DSD, former Director-General of ASIO, Dennis Richardson, responded to a question by Senator Robert Ray on whether Mr Richardson was 'satisfied that the existing powers equip you to do the job you need to do?', Mr Richardson replied 'Yes'. Can you explain what has changed since Mr Richardson left ASIO and how we should reconcile the apparent contradiction in introducing legislation granting greater powers?

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

The Parliamentary Joint Committee on ASIS, ASIS and DSD is reviewing 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.

Senator Ray asked Mr Richardson the above question during hearings on that specific review. Accordingly, Mr Richardson's answer was just about the ASIO terrorism-related questioning and detention powers in Division 3 of Part III of the Act. Mr Richardson's answer was consistent with public submissions by ASIO and the Attorney-General's Department suggesting minor modifications and clarifications, but not extension of the powers, in that regime.

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. There is therefore no contradiction in the introduction of this legislation and Mr Richardson's statement.