

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.2

Question No. 69

Senator Ludwig asked the following question at the hearing on 31 October 2006:

With reference to pages 120 and 127 of the Annual report and regarding the Sheller Report of the Security Legislation Review:

(a) Minister Ruddock's media release of 15 June 2006 indicates that "The Government will be providing its comments on the report to the Parliamentary Joint Committee on Intelligence and Security (PJCIS) which will report on the review." As at 26 October the government response did not appear on the Committee's website: (i) will that Government response to the report be made public?; (ii) Has the response been made? If not, why not?; and (iii) Given the importance of anti-terrorist legislation, has the Government specified a timetable for providing a response to the report? If not why not? If so, please specify date.

(b) Please outline the qualifications for the members of the Security Legislation Review Committee.

(c) Is the Government considering any legislative change as a result of the report?

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

(a) The Parliamentary Joint Committee on Intelligence and Security (PJCIS) is currently reviewing the Report of the Security Legislation Review Committee (Sheller Report) whilst conducting its own review of the security legislation in accordance with 29(1)(ba) of the *Intelligence Services Act 2001*. The Australian Government response to the Sheller Report was provided to the PJCIS on 14 July 2006. The Australian Government's response is listed as submission number 14 and is publicly available on the PJCIS website at: www.aph.gov.au/house/committee/pjcis.

(b) The Security Legislation Review Committee was made up of the following members:

Honourable Simon Sheller AO QC – Chair and retired NSW Supreme Court Judge

Mr Ian Carnell – Inspector-General of Intelligence and Security

Ms Karen Curtis – Privacy Commissioner

Mr Graeme Innes – Human Rights Commissioner

Professor John McMillan – Commonwealth Ombudsman

Mr John A Davies APM OAM – former ACT Chief of Police

Ms Gillian Braddock SC – experienced practitioner, nominee of the Law Council of Australia

Mr Dan O'Gorman – experienced practitioner, nominee of the Law Council of Australia

(c) No legislative changes will be considered prior to the completion of the PJCIS review. Any legislative amendment to Part 5.3 of the *Criminal Code Act 1995* would need to be approved by a majority of the States and Territories (at least four States) in accordance with the operation of that Part.