

# CHAPTER 1

## INTRODUCTION

### Background

1.1 On 16 June 2004, the Senate referred the provisions of the National Security Information (Criminal Proceedings) Bill 2004 (the Bill) and the National Security Information (Security Proceedings) (Consequential Amendments) Bill 2004 (the Consequential Amendments Bill) to the Senate Legal and Constitutional Legislation Committee for inquiry and report by 19 August 2004.

### Purpose of the Bill

1.2 The stated objective of the Bill is to prevent the disclosure of information in Federal criminal proceedings where the disclosure is likely to prejudice national security, except to the extent that preventing the disclosure would seriously interfere with the administration of justice.<sup>1</sup>

1.3 The Consequential Amendments Bill amends the *Administrative Decisions (Judicial Review) Act 1977* (ADJR Act) and the *Judiciary Act 1903* to include a certificate decision of the Attorney-General as a related criminal justice process decision.

1.4 The report is concerned predominantly with examining the provisions of the Bill.

### Conduct of the inquiry

1.5 The Committee advertised the inquiry in The Australian newspaper on 30 June 2004 and invited submissions by 2 July 2004. Details of the inquiry, the bills and related documentation were placed on the Committee's website. The Committee also wrote to over 100 individuals and organisations.

1.6 The Committee received 23 submissions which are listed at Appendix 1. Submissions were placed on the Committee's website for ease of access by the public.

1.7 The Committee held a public hearing in Sydney on 5 July 2004. A list of witnesses who appeared at the hearing is at Appendix 2 and copies of the Hansard transcript are available through the Internet at: <http://aph.gov.au/hansard>.

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1 Clause 3.

**Acknowledgment**

1.8 The Committee is grateful to, and wishes to thank, all those who assisted in its inquiry.

**Note on references**

1.9 References in this report are to individual submissions as received by the Committee, not to a bound volume. References to the Committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard transcript.