

CHAPTER 1

INTRODUCTION

Background

1.1 On 3 November 2005, the Senate referred the provisions of the Anti-Terrorism Bill (No. 2) 2005 (the Bill) to the Senate Legal and Constitutional Legislation Committee for inquiry and report by 28 November 2005.

1.2 The Bill proposes to amend various federal laws with the stated aim of improving existing offences and powers targeting terrorist acts and terrorist organisations.

Conduct of the inquiry

1.3 The committee advertised the inquiry in *The Australian* newspaper on 5 November 2005, and invited submissions by 11 November 2005. Details of the inquiry, the Bill, and associated documents were placed on the committee's website. The committee also wrote to nearly 130 organisations and individuals.

1.4 The committee received 294 submissions, as well as a number of supplementary submissions, which are all listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public.

1.5 The committee held public hearings in Sydney on Monday 14, Thursday 17 and Friday 18 November 2005. 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>.

Acknowledgement

1.6 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearings, particularly in light of the short timeframes involved.

Scope of the report

1.7 Chapter 2 provides a background and overview of the Bill. Chapter 3 considers key provisions of the regime for Commonwealth preventative detention orders. Chapter 4 examines Schedule 4 of the Bill, which seeks to introduce a regime of 'control orders' to authorise the overt close monitoring of terrorist suspects. Chapter 5 considers the provisions of the Bill relating to sedition (Schedule 7); and advocacy of terrorism (Schedule 1).

1.8 Chapter 6 looks at the extension of police powers to stop, question and search persons in relation to terrorist acts; and to seize items related to terrorism and other

serious offences (Schedule 5); the introduction of powers to permit police to directly issue a notice to produce information and documents from persons and organisations for the purposes of investigating terrorism and other serious offences (Schedule 6); and the expansion of the scope of the powers of the Australian Security Intelligence Organisation (ASIO) (Schedule 10).

1.9 Finally, chapter 7 examines the proposed amendments to the *Financial Transaction Reports Act 1988* (FTR Act) and related legislation (Schedule 9); and proposed amendments to expand existing terrorism financing offences (Schedule 3).

1.10 The Appendices to the report list, among other things, answers provided by the Attorney-General's Department, the Australian Federal Police and the Australian Intelligence and Security Organisation to questions on notice asked at the hearings on 17 and 18 November 2005.

Note on references

1.11 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.