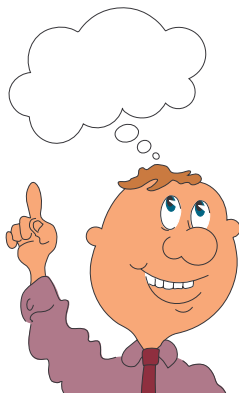


Be Informed: ASIO and Anti-Terrorism Laws

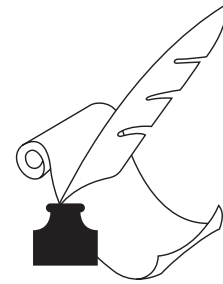
Since 2001 new laws have been introduced in Australia that increase the powers of the police and the Australian Security Intelligence Organisation (ASIO). According to the Federal Government, these new laws have been passed to help stop terrorism. There have been many concerns that the laws operate unfairly and that they target people who are not involved with terrorism. These laws are now being reviewed.

It is important that the Australian community finds out about these laws as they potentially affect all of our rights and freedoms. You now have an opportunity to voice your concerns relating to these anti-terrorism laws.¹ Have your say by writing to the Parliamentary Joint Committee on ASIO, ASIS and the DSD (the Committee).²



This information kit explains some of Australia's anti-terrorism laws, including the ones that are being reviewed. It also provides enough information and references to allow advice workers and members of the public to find out more about the laws. There is also guidance on how to make written submissions to the Committees that will be reviewing some of the laws. The focus of the kit is on the questioning and detention powers of ASIO and the Australian Federal Police (AFP). It also contains a brief outline of new criminal laws in relation to terrorism.

Information on how to make written submissions is contained in Information Sheet 6. However, the Committee³ that is reviewing the laws has asked for submissions by **24 March 2005**, so it is important to act now if you wish to make a submission.⁴



SOME OF AUSTRALIA'S ANTI-TERRORISM LAWS

National Security Information (Criminal Proceedings) Act 2004
Anti-Terrorism Act 2004
Anti-Terrorism Act (No.2) 2004
Anti-Terrorism Act (No.3) 2004
Australian Security Intelligence Organisation Act 1979
ASIO Legislation Amendment Act 2003
ASIO Legislation Amendment (Terrorism) Act 2003
Border Security Legislation Amendment Act 2002
Charter of the United Nations Act 1945
Crimes Act 1914
Crimes Amendment Act 2002
Criminal Code Act 1995
Criminal Code Amendment (Anti-Hoax and Other Measures) Act 2002
Criminal Code Amendment (Espionage and Related Matters) Act 2002
Criminal Code Amendment (Offences Against Australians) Act 2002
Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002
Security Legislation Amendment (Terrorism) Act 2002
Suppression of the Financing of Terrorism Act 2002
Surveillance Devices Act 2004
Telecommunications Interception Legislation Amendment Act 2002
Criminal Code Amendment (Terrorism) Act 2003 (Constitutional Reference of Power)
Crimes (Overseas) Act 1964
Australian Federal Police and Other Legislation Amendment Act 2004
Australian Protective Service Amendment Act 2003
International Transfer of Prisoners Amendment Act 2004
Maritime Transport Security Act 2003
Aviation Transport Security Act 2004
Aviation Transport Security (Consequential Amendments and Transitional Provisions) Act 2004

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BACKGROUND TO THE NEW LAWS

On 21 March 2002 the House of Representatives referred the *Australian Security Intelligence Organisation Amendment (Terrorism) Bill 2002 (ASIO Terrorism Bill)* to the Committee.⁵ The purpose of the *ASIO Terrorism Bill* was to amend the *Australian Security Intelligence Organisation Act 1979* (the *ASIO Act 1979*) to expand the powers available to ASIO to deal with terrorism. Specifically, the Bill proposed:

- including the definition of a terrorism offence in the *ASIO Act 1979*;
- permitting personal searches to be authorised with a warrant; and
- providing a power to detain, search and question persons.

The Committee's Advisory Report on the Bill was tabled on 5 June 2002.

The *ASIO Terrorism Bill* was also referred to the Senate Legal and Constitutional Legislation Committee for inquiry and report along with five other Bills.

The Senate Legal and Constitutional References Committee subsequently conducted a further inquiry into the Bill and related matters and a report was tabled on 3 December 2002.

After including certain amendments, the Bill was passed by both Houses of Parliament and the *Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Act 2003* was assented to on 22 July 2003.

A review of the *Security Legislation Amendment (Terrorism Act) 2002* must also take place as soon as practicable after 6 July 2005.⁶

The Committee which will begin its review of the *Intelligence Services Act 2001* on 6th July 2005 is to review the new criminal laws contained in various other pieces of legislation. This legislation, too, is discussed in this information kit.⁷

REFERENCES

¹ Only certain aspects of certain laws are the subject of this Review – generally it covers the new powers given to ASIO to question and detain people suspected of having information about 'terrorism' offences.

² The Parliamentary Joint Committee on ASIO, ASIS and the DSD (the PJCAAD).

³ The PJCAAD.

⁴ The terms of the review are, in part, that the Committee reviews certain matters by the 22 January 2006. This includes the operation, effectiveness and implications of Division 3 of Part III of the *Australian Security and Intelligence Organisation Act 1979* (essentially, section 34 of the ASIO Act, dealing with questioning and detention). This part of the *ASIO Act* was updated by a law passed in 2003 (*Australian Security Intelligence Organisation Amendment (Terrorism) Act 2003*).

⁵ Parliamentary Joint Committee on ASIO, ASIS and the DSD.

⁶ The key pieces of legislation are the *Security Legislation Amendment (Terrorism) Act 2002*; *Criminal Code Amendment (Terrorism) Act 2003*; and the *Suppression of the Financing of Terrorism Act 2000*.

⁷ The laws to be reviewed include the *Security Legislation (Amendment) Terrorism Act 2002*; *Criminal Code Amendment (Terrorism) Act 2003*; and the *Suppression of the Financing of Terrorism Act 2002*. The Committee needs to take into account the s4 review report.



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The laws, referred to in this information kit, are current at 1 February 2005.

Be Informed: ASIO and Anti-Terrorism Laws

INTRODUCTION

The *Criminal Code Act* 1995 is an act of the Australian Parliament. It is often just called the Criminal Code.¹ Important changes have been made to it, including new terrorism offences.²

The main change to the Criminal Code is that the criminal offence of 'terrorism' is created and defined for the first time in Australian law.

WHAT IS TERRORISM?



The Criminal Code says that a 'terrorist act' occurs when:

1. a person commits an act with the intention to advance a political, ideological or religious cause; and
2. by doing the act they intend to coerce the government³ or intimidate the public;⁴ and
3. the act causes death, or serious physical harm to a person, endangers life (other than the life of the person doing the action), creates a serious health or safety risk to the public (or a section of the public), causes serious damage to property, or interferes with, disrupts or destroys an electronic system.

Advocacy, protest, dissent or industrial action is not a terrorist act providing that it is not intended to cause serious physical harm, death, danger to another's life, or a serious health or safety risk.

The person, public or property might be in Australia or outside Australia.⁵

Threatening to do any of these things is also a terrorist act.

The maximum penalty for committing or engaging in a terrorist act is life imprisonment.

TRAINING

It is against the law to provide or receive

training in relation to terrorist acts.

Terrorist training refers to training that is for a terrorist act. The offence includes giving and receiving training, or helping others to train. The offence also requires that you know, or are reckless in not knowing, the connection between the training and the terrorist act. The training itself is an offence, and it does not matter if the terrorist act occurs or not. The maximum penalty for providing or receiving terrorism training is imprisonment for 25 years.

POSSESSION OF A 'THING'

It is an offence to possess a thing connected with a terrorist act. A 'thing' is not defined. The thing must be connected with preparing for a terrorist act, or engaging a person for a terrorist act and the person possessing the thing must know, or be reckless in not knowing, of the connection between the thing and the terrorist act.

As with terrorism training, it does not matter if the terrorist act actually occurs – you can still be found of possessing a thing connected with terrorism.

The maximum penalty for possessing a thing connected with a terrorist act is imprisonment for 15 years.



COLLECTING OR MAKING DOCUMENTS

It is against the law to collect or make a document that is connected with preparing for a terrorist act or engaging a person for a terrorist act, and for you to know, or be reckless in not knowing of the connection between the document and the terrorist act.

It does not matter whether the terrorist act occurs or not.

The maximum penalty for this offence is imprisonment for 15 years.

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OTHER ACTS

In addition to possessing things or making documents, it is against the law to prepare or plan for terrorist acts. Again, it does not matter whether or not the terrorist act actually occurs.

The maximum penalty is imprisonment for life.

TERRORIST ORGANISATIONS

The legislation defines a terrorist organisation as any organisation that is directly or indirectly engaged in preparing, planning, assisting, fostering or encouraging a terrorist act. In addition, the legislation gives the government power to list an organisation as a terrorist organisation, if it believes that the organisation satisfies this definition. If an organisation has been listed, then you can be convicted of an offence involving that organisation, without the prosecution having to prove in court that the organisation meets the definition of a terrorist organisation.

The organisations that have been listed can be found in the Criminal Code regulations.⁶

MEMBERSHIP

You will be classified as a member of a terrorist organisation if you formally or informally join such an organisation, or have taken steps to join such an organisation.

It is against the law to intentionally be a member of an organisation that you know to be a terrorist organisation. The maximum penalty is imprisonment for 10 years.⁷ There is a defence against the membership offence if you can show that you have taken all reasonable steps to cease to be a member as soon as practicable after becoming aware that it was a terrorist organisation.

RECRUITING

It is against the law to know, or be reckless in not knowing, that an organisation is a terrorist organisation, and to then intentionally recruit a person to join or participate in the activities of a terrorist organisation.

If the recruiter knew the organisation was a terrorist organisation, the maximum penalty is imprisonment for 25 years. If the recruiter was reckless in not knowing that it was a terrorist organisation, the maximum penalty is 15 years imprisonment.

TRAINING

If you know, or are reckless in not knowing, that an organisation is a terrorist organisation, then it is against the law to receive training from a terrorist organisation, or to give training to such an organisation, whether or not the training is for terrorist purposes. The maximum penalty is 25 years imprisonment. If the organisation is one which has been listed, then you may be convicted even if you did take care to avoid dealing with terrorist organisations, unless you can produce evidence of your innocent intentions.

DIRECTING

It is against the law to direct a terrorist organisation where you know it is a terrorist organisation. The maximum penalty is imprisonment for 25 years. It is also against the law for you to be reckless in not knowing you are directing a terrorist organisation. The maximum penalty is 15 years imprisonment.



SUPPORTING A TERRORIST ORGANISATION

It is against the law to provide support or resources to a terrorist organisation, where that would help it act as a terrorist organisation. The maximum penalties are 25 or 15 years imprisonment, respectively, depending on whether you knew or were reckless in not knowing the status of the organisation.

ASSOCIATING WITH A TERRORIST ORGANISATION

In some circumstances, you will break the law if you meet or communicate with a member of a listed terrorist organisation, or with someone who directs such an organisation, or promotes its activities. You will be breaking the law if you know of the other person's connection to a terrorist organisation, and you are meeting or communicating with them intentionally to provide support to the organisation.

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If you did not know that the organisation was one that had been listed, and your ignorance was not the result of carelessness on your part, this may be a defence. It is also a defence if you were associating with a very close family member, or were in a public religious space, or if it was for humanitarian purposes or to receive certain types of legal advice.

QUESTION

Why do we need a new offence of 'terrorism' when we have laws against bombings, hijacking, etc already? Does the new law just make it easier to convict people of offences who might, in reality, be innocent?

WHICH ORGANISATIONS DOES THE LAW SAY ARE TERRORIST ORGANISATIONS?

As of the time of writing, there were 17 organisations which were officially listed under the new counter-terrorism laws. Membership of these organisations is illegal. The organisations are:

Abu Sayyaf Group
Al Qa'ida
Ansar Al-Islam
Armed Islamic Group
Asbat al-Ansar
Egyptian Islamic Jihad
 Hamas's Izz al-Din al-Qassam Brigades Harakat
UI-Mujahideen
Hizballah External Security Organisation
Islamic Army of Aden
Islamic Movement of Uzbekistan
Jaish-i-Mohammed
Jemaah Islamiyah
Lashkar I Jhangvi
Lashkar-e-Tayyiba
Palestinian Islamic Jihad
Salafist Group for Call and Combat

Source: www.nationalsecurity.gov.au

EXAMPLE

Mary is a Roman Catholic and does not believe that abortion should be legal. She goes to her local abortion clinic every Friday with some friends to try and stop women getting into the clinic. A friend, Susan, issues a press release threatening to close down the clinic till 'no more babies are killed in that clinic.' Mary is sad that closing the clinic will hurt the women, but believes she has to put her religious beliefs first. The protesters succeed in closing down the clinic for a whole afternoon. As a result, the patients have to re-schedule their appointments and, sadly, one of the women miscarries and gets an infection.

According to the law, it would appear that Mary and the other protesters have committed an act of terrorism because they have engaged in a protest for a religious cause, and they did this by trying to intimidate a section of the public from entering the abortion clinic, and this caused a serious health and safety risk. The defence that Mary and the protesters were engaged in a 'protest' does not count because the purpose of the protest was to shut down the clinic and create a serious health and safety risk. Susan has also committed a terrorist act when she sent out the press release, as a threat to commit a terrorist act is also against the law.

REFERENCES

- ¹ The *Criminal Code Act 1995*. The Criminal Code is the Schedule to this Act.
- ² The amendments to the Criminal Code have been made by the *Security Legislation Amendment (Terrorism) Act 2002*, the *Suppression of the Financing of Terrorism Act 2002*, and subsequent acts (eg. *Anti-Terrorism Act 2004*, *Anti-Terrorism Act (No 2) 2004*, *Criminal Code Amendment (Terrorist Organisations) Act 2004* etc).
- ³ 'The government' can be the Australian government, a State or Territory government, or a foreign government s100.1(1).
- ⁴ Intimidating the public refers to the public generally or a section of the public, in any country. s100.1(1).
- ⁵ Most offences and penalties found on this sheet are in s100-102 *Criminal Code Act*.
- ⁶ Criminal Code Regulations 2002 Schedule 4, and Schedule 1A. The list is also available at <http://www.ag.gov.au/www/nationalsecurityhome.nsf/Headin gPagesDisplay/Listing+of+Terrorist+Organisations?OpenDocu ment>.
- ⁷ Most offences and penalties found on this sheet are in s100-102 *Criminal Code Act*

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NOTES

Be Informed: ASIO and Anti-Terrorism Laws

ASIO can ask you questions at any time. In fact, ASIO asks people questions all the time so that it can use this information in its reports to the Federal Government. When ASIO does this, there is no obligation to tell ASIO anything. Anything you do tell ASIO may be used against you, your family or your friends at a later time. If you are not sure whether or not to talk to ASIO, you can tell them that you will think about it and then contact a lawyer for advice.

There have been recent changes¹ to the law where sometimes it is a criminal offence not to answer ASIO questions. The changes allow ASIO to obtain a warrant when there are reasonable grounds for believing that issuing the warrant will substantially assist the collection of intelligence that is important in relation to a 'terrorism' offence.² 'Intelligence' is another word for information. If you overhear a conversation on a bus which could assist ASIO in its investigations, this may be enough for ASIO to obtain a warrant that compels you to answer its questions about what you heard, even if you don't agree to be questioned.

A warrant for compulsory questioning can also allow ASIO to get the Australian Federal Police (AFP) to detain you if there are reasonable grounds for believing that you may alert someone involved in a terrorism offence or may not appear before the 'prescribed authority'³ or may destroy or damage evidence.

ASIO warrants for questioning and detention may also be issued against you if you are 16 or 17 years old, but only if it is believed that you are likely to commit a terrorism offence, or you have committed a terrorism offence.

You cannot be detained for more than 7 days (168 hours) under an ASIO warrant. However, when one ASIO warrant expires, ASIO might ask for another one.

You can be questioned in blocks of up to eight hours for adults. The maximum total period of questioning is generally 24 hours (if you are questioned for a week) but it is 48 hours if an interpreter is used.

According to ASIO's 2003-04 report,⁴ there were three requests made for compulsory questioning warrants in the relevant reporting period. All these requests were granted. No detention warrants were requested.



QUESTIONING AND DETENTION WARRANTS

A warrant allows a person to be questioned by ASIO at a later time or be detained and questioned immediately.⁵ Such warrants may be granted where there are reasonable grounds for believing 'that the warrant will substantially assist the collection of intelligence (information) that is important in relation to a terrorism offence.'⁶ The warrant is then granted after approval from a government Minister.

If you are questioned under a warrant, you must immediately be taken to the 'prescribed authority.' You will probably be questioned at a police station or in an office. You may be prevented from contacting anyone else such as a lawyer or friend. However, you always have a right to contact the Inspector-General of Intelligence and Security and the Ombudsman.⁷ The law says that if you request 'facilities' (i.e. a phone) to contact either person, then this must be given to you.

The warrant may authorise ASIO to demand 'information that is or may be relevant to intelligence that is important in relation to a terrorism offence.'⁸ The warrant may also authorise ASIO to demand that you 'produce records or things that are or may be relevant to intelligence that is important in relation to a terrorism offence.'

WHO WILL BE THERE DURING THE QUESTIONING?

There may be a number of people present when you are questioned. There will be the prescribed authority. There will be the ASIO officers present who will ask you questions: they do not have to give you their names. There will also be AFP officers present. There may also be an interpreter.

Be Informed

Your questioning by ASIO under the warrant should be video recorded.⁹

HOW WILL I BE TREATED DURING THE QUESTIONING?

During the questioning, the authorities must comply with a Protocol which has been designed so that you are treated properly during questioning. While the Protocol is not binding law, if your treatment is outside of these minimum standards you may be able to make a complaint about this.¹⁰

If you are questioned, fresh drinking water, and clean toilet and sanitary facilities should be available at all times during questioning. You should not be questioned for more than 4 hours without being offered a break of at least 30 minutes. Meals should be available three times a day, and foods should be provided which allow you to comply with any religious requirements. Special dietary food should also be available if you need it. A person being questioned can keep personal effects unless such effects can be used as a weapon.

Questioning and detention facilities must have adequate fresh air, floor space, lighting and heating.

If you are kept overnight, you should be given a bed in a separate room or cell. Bedding should be clean. Unless specifically ordered by the prescribed authority, you should be allowed 8 hours undisturbed sleep in every 24 hours of detention.

You should be allowed to shower or bathe daily and be provided with toiletries. You should be given any medical or other health care if you need it. Religious practices, such as prayer times, are to be allowed, subject to the requirements of safety and security.

ASIO is responsible for making sure that interviews are video recorded. No questioning should take place if the video equipment breaks down.

DO I HAVE TO GIVE INFORMATION TO THE AUTHORITIES OR PRODUCE THINGS?

There is a legal obligation to appear before a 'prescribed authority' if you receive a warrant telling you to do so.¹¹ Failing to appear, or failing to answer questions, means that you could be imprisoned for up to 5 years. Of course, you do not have to answer ASIO

questions if you don't know the answer. However, you can't avoid the law by saying "I don't know" to every question if, in fact, you do know the answers. If you are asked a question and you don't know the answer, you must be able to show that you really don't know the answers or that you really do not have the thing you are being asked to produce.

NOTE: if ASIO has a warrant to ask you certain questions which you must answer, and when you answer these questions under this warrant you incriminate yourself, this information cannot be used against you at a later date.

LAWYERS

If you are subject to a questioning warrant, it is not clear whether you are entitled to a lawyer as the ASIO Act does not expressly say so.

If you are subject to a detention warrant, however, you are, in the first instance, entitled to contact a single lawyer of your choice.¹² You may, however, be prevented from making such contact if the prescribed authority forms the view that this will alert a person involved in a terrorism offence that this offence is being investigated or that it may result in a record or thing requested by ASIO being destroyed or damaged. You may, therefore, be questioned without a lawyer present.

Even where there is a lawyer present, any communication between you and your lawyer can be monitored.

Your lawyer is entitled to a copy of the warrant, and can give you legal advice during breaks in the questioning. Lawyers can only interrupt the questioning in order to seek 'clarification' of any question that is not clear. Unduly disruptive lawyers can be removed.

PRACTICAL POINTS: What You Should Be Told

If you are being questioned, the prescribed authority¹³ should explain:

- whether the warrant allows you to be detained immediately, or whether you can be questioned at a later date;
- what it allows ASIO to do;
- that there is a penalty of up to 5 years imprisonment if you refuse to answer questions or produce things;
- whether there are any restrictions on whom you may contact;
- how long you can be held; and

Be Informed

f) that you have a right to make a complaint to the Inspector-General of Security or the Ombudsman after you are released.

You should also be told right away and at least every 24 hours afterwards that you can seek orders from the Federal Court to release you.

PRACTICAL POINTS: What You Can Do

If you are being questioned under an ASIO warrant there are practical rights that you have that can be enforced immediately.

Ask for an interpreter if you need one.¹⁴

You have the right to speak with the Inspector-General of Intelligence and Security¹⁵ or the Ombudsman.¹⁶ You should also ask to speak to your lawyer (although this can be refused).

Demand that you be released after 168 hours (7 days).¹⁷

ENTERING YOUR HOUSE

A police officer may use reasonable force to enter your home to arrest someone if an ASIO detention warrant has been issued.¹⁸

PASSPORTS

You must surrender your passport to a police officer or customs officer as soon as you become aware that an ASIO warrant has been issued against you. This applies to Australian and foreign passports and includes any passport in your possession or control, such as passports in the names of your family, friends, associates or even strangers. You are not allowed to leave Australia.¹⁹

SEARCHES ('ORDINARY SEARCHES')

Ordinary searches should be carried out by persons of the same sex where it is practicable to do so.²⁰

PERSONAL SEARCHES ('STRIP SEARCHES')

Strip searches can only take place where the prescribed authority has approved a strip search.²¹ This approval might be over the telephone. 'Necessary and reasonable' force may be used to conduct the strip search if the person refuses.

There are extensive rules about strip searching.²² The rules say that if a strip search is to take place, it should be done in private by a police officer of the same sex. No one is to

be present during the search unless they really have to be there. No one of the opposite sex should be present unless it is a medical doctor, or you agree for that person to be there.

A 'strip search' does not mean searching 'body cavities' (vagina or anus).

SPECIAL RULES FOR YOUNG PEOPLE²³

There are special rules for granting a warrant if a person is 16 or 17. These include that no questioning or strip searching is to take place unless a parent, guardian or other person acceptable to the young person is present.²⁴ No person is to be questioned or detained if they are 15 years of age or younger.²⁵

DO I HAVE A RIGHT TO COMPLAIN DURING ASIO QUESTIONING?

If you are being questioned by ASIO under a warrant, you must be allowed to contact the Inspector-General of Intelligence and Security or the Ombudsman to complain and your conversation should not be overheard by the ASIO officers present.

DO I HAVE TO ANSWER QUESTIONS?

It is against the law not to answer ASIO questions if ASIO has a warrant. This is different to questioning by Australian Federal Police officers who can not force you to answer questions at any time, including during an interview.

CAN WHAT I SAY BE USED AGAINST ME IN COURT?

If you answer a question that an ASIO officer is authorised to ask under the warrant this information can not be used against you later. However, generally, you should be careful to say as little as possible: only answer the questions put to you by ASIO during official questioning.²⁶

The law says that during questioning, you must be 'treated with humanity and with respect for human dignity, and must not be subjected to cruel, inhuman or degrading treatment, by anyone exercising authority under the warrant or implementing or enforcing the direction.'²⁷

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CAN I TELL SOMEONE ASIO HAS QUESTIONED ME?

Without a warrant

Contact with ASIO is not a secret. If ASIO approaches you to ask questions they are likely to ask you to keep it a secret. If ASIO does not have a warrant, you can tell anyone you like about ASIO approaching you, including lawyers, friends or journalists.²⁸ However, there is a law which says that you cannot publicly identify ASIO officers, employees or agents.²⁹

However, there are tough secrecy provisions where a person is questioned under an ASIO warrant.³⁰

TOP SECRET

With a warrant

Where a person has been questioned under an ASIO warrant, it may be against the law to disclose to anyone the contents of the warrant, or that questioning took place, or that detention has taken place. Disclosing that the warrant has been issued in the first place may be an offence, as is disclosing anything that happened during the questioning.³¹ There are similarly tough restrictions on third parties, such as journalists or friends, preventing them from disclosing such details. The secrecy provision remains in force for two years.³²

EXAMPLE

Waleed has not been home for 7 days as he has been detained and questioned under an ASIO warrant. Worried, his wife Agnes calls the police. While the police are at their house, a journalist from The Australian newspaper arrives, thinking that it might be an interesting story. When Waleed arrives home, it would be against the law for him to tell the police, his wife, or the journalist where he has been for the past 7 days.

REFERENCES

- ¹ The changes were made by the *Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Act 2003* which has now become Division 3, Part 3, of the *Australian Security Intelligence Organisation Amendment Act 1979 (ASIO Act 1979)*.
- ² In consenting to the Director-General's request for the warrant, the Minister must also be satisfied that relying on other means of collecting the intelligence would be ineffective: s 34C(3)(b) *ASIO Act 1979*.
- ³ The 'prescribed authority' will initially be former and current superior court judges, the President and Deputy President of the Administrative Appeals Tribunal. Their role is to be there during your questioning to make sure that certain procedures are followed. The prescribed authority also has significant powers under the legislation.
- ⁴ The questioning warrant is issued under s34D(2)(a) of the *ASIO Act 1979*. Person 1 was held for 15 hours 47 minutes, person 2 was held for 10 hours 32 minutes, and person 3 was held for 42 hours and 36 minutes. An interpreter was needed for Person 1. ASIO Annual Report 2003-2004, pp.39-40.
- ⁵ The warrant regime is found in section 34D *ASIO Act 1979*.
- ⁶ S34D(b) *ASIO Act 1979*.
- ⁷ S34F(9)(b) *ASIO Act 1979*.
- ⁸ s34(5) *ASIO Act 1979*.
- ⁹ s34K *ASIO Act 1979*.
- ¹⁰ The Protocol on how you should be treated during questioning can be found at Annex 2 of the Inspector-General of Intelligence and Security Annual Report 2003-2004 (http://www.igis.gov.au/fs_annual.html).
- ¹¹ The maximum punishment for failing to appear is 5 years imprisonment. See section 34G *ASIO Act 1979* in relation to the obligation to provide information or produce things.
- ¹² For access to, and restrictions upon, lawyers see S34TA - 34U *ASIO Act 1979*.
- ¹³ s34(B)-34E *ASIO Act 1979*.
- ¹⁴ S34HAA *ASIO Act 1979*. An interpreter must be provided if requested unless 'the prescribed authority believes on reasonable grounds that the person who made the request has an adequate knowledge of the English language...'
- ¹⁵ S34F *ASIO Act 1979*.
- ¹⁶ S34 F *ASIO Act 1979*.
- ¹⁷ s34HC *ASIO Act 1979*.
- ¹⁸ S34JA(1) *ASIO Act 1979*. There are some limitations.
- ¹⁹ S34JA(2) *ASIO Act 1979*.
- ¹⁹ S34JBA *ASIO Act 1979* and S34JD *ASIO Act 1979* The maximum penalty for non-compliance is five years imprisonment for both offences.
- ²⁰ 34L(1A) *ASIO Act 1979*.
- ²¹ S34L(2) *ASIO Act 1979*
- ²² s34M *ASIO Act 1979*.
- ²³ S34NA *ASIO Act 1979*.
- ²⁴ This rule is from s34M on strip searching. Removing parents, etc, during questioning is covered by s34V.
- ²⁵ S34NA(1-2) *ASIO Act 1979*.
- ²⁶ 34G(9) *ASIO Act 1979*.
- ²⁷ S34J(2) *ASIO Act 1979*.
- ²⁸ There are laws against publicly identifying ASIO officers, employees or agents, with the exception of the Director-General of ASIO, who is currently Dennis Richardson (s92 *ASIO Act 1979*).
- ²⁹ Except for the Director-General of ASIO, who is currently Dennis Richardson: s92 *ASIO Act*.
- ³⁰ Generally dealt with in s34VAA *ASIO Act 1979*.
- ³¹ The maximum penalty for unauthorised disclosure is 5 years imprisonment.
- ³² S34VAA(2)(e) *ASIO Act 1979*.

Be Informed: ASIO and Anti-Terrorism Laws



In 2002 new laws came into force which made it a criminal offence to raise money for, or to deal with the assets of, terrorist organisations.

It is against the law to intentionally or recklessly collect funds that will be used to facilitate or engage in a terrorist act. A person can be guilty even if a terrorist act does not occur.

It is also against the law to give money to, or receive money from, a terrorist organisation. An organisation is classified as a 'terrorist organisation' by the government if it is on the list of 'terrorist organisations' or if it is later proved to be a terrorist organisation in court. So far, 17 organisations have been listed by the government, all of them Muslim organisations.

Apart from those 17 'terrorist' organisations, there is a much longer list called the Consolidated List. This list has over 500 individuals and organisations on it.

Membership or political support for an organisation on the Consolidated List is not necessarily illegal. It is, however, illegal to fund such organisations or to deal with their assets. You should get expert legal advice if you are thinking of handling the money of an organisation or individual which might be on the Consolidated List.

The Minister of Foreign Affairs can add any person or organisation to the Consolidated List where the Minister is satisfied that the person or organisation is associated with terrorism. The complete list of persons and organisations is kept up to date on the Department of Foreign Affairs and Trade website.

The new laws introduce legal obligations for those people who deal in money. The new law requires cash dealers to report to AUSTRAC when there are reasonable grounds to suspect that money is being used in connection with

terrorism.

The process of how organisations are listed has caused concern because some critics have said that it gives a government Minister too much power in deciding which organisations and persons should or should not be put on the Consolidated List.

THE CRIMINAL CODE LIST AND THE CONSOLIDATED LIST

This Criminal Code list is a list of 17 organisations that are classified as 'terrorist organisations' by the government. Membership of these organisations is against the law. Those organisations are listed below in **bold**.

Abu Sayyaf Group
Al Qa'ida
Ansar Al-Islam
Armed Islamic Group
Asbat al-Ansar
Egyptian Islamic Jihad
Hamas's Izz al-Din al-Qassam Brigades Harakat
UI-Mujahideen
Hizballah External Security Organisation
Islamic Army of Aden
Islamic Movement of Uzbekistan
Jaish-i-Mohammed
Jemaah Islamiyah
Lashkar I Jhangvi
Lashkar-e-Tayyiba
Palestinian Islamic Jihad
Salafist Group for Call and Combat

The Consolidated List includes more than 500 other persons and organisations where it is illegal to deal with their money. Being a member of these other organisations is not against the law, but dealing with their finances is against the law.

Membership of the following organisations is not against the law, but dealing with their finances is against the law.

Fatah Revolutionary Council
 Abu Nidal Organisation
 Black September
 Aum Shinrikyo
 ETA
 The Way of the Torah
 the Yeshiva of the Jewish Idea
 Kurdistan Workers Party
 Tamil Tigers
 Al-Quds Brigades
 Palestine Liberation Front (Abu Abbas Faction)

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Popular Front for the Liberation of Palestine
Real IRA
32 County Sovereignty Committee
Irish Republican Prisoners Welfare Association
Revolutionary Armed Forces of Columbia
Revolutionary Organisation 17 November
Shining Path
Patido Comunista Del Peru (Community Party of Peru)
United Self-defence Forces of Columbia
Continuity IRA
Loyalist Volunteer Force
Orange Volunteers
Red Hand Defenders
Ulster Defence Association
Ulster Freedom Fighters
al-aqsa Martyrs' Brigade
New Peoples Army (Communist Party of the Philippines)
Kurdistan Supporters of Islam
Riyadus-Salikhin Reconnaissance and Sabotage
Battalion of Chechen Martyrs (RSRSBCM)
Palestinian Relief and Development Fund (Interpal)
Al-Haramain Foundation (based in various countries)
Committee for the Safety of the Roads

There are another 500+ organisations and individuals listed in the full Consolidated List.

The Consolidated List can be found at the Department of Trade and Foreign Affairs website:

http://www.dfat.gov.au/icat/regulation8_consolidated.xls

EXAMPLE

Krishni grew up in Sri Lanka and Australia. After the Asian tsunami in 2005, she attends a fund-raising gathering and organises a raffle, as a way of raising money to give to the Tamil Tigers, which is a group that is helping with the distribution of aid in Sri Lanka. The Tamil Tigers is not a 'terrorist organisation' under Australian law. However, the Tamil Tigers is an organisation on the Consolidated List.

Krishni has broken the law by organising the raffle because it is against the law to deal with the assets of an organisation on the Consolidated List. The maximum penalty for doing so is 5 years imprisonment.

EXAMPLE

A married couple, Malik and Jamila, live in Australia. They have a son, Deen. Malik is a member of Black September but doesn't do anything to help the group. Jamila is not a member, but collects money and sends it to them. Deen disagrees with Black September and is a member of the Armed Islamic Group.

Malik is not breaking the law because membership of Black September is not illegal. It is not one of the 17 organisations in Australia which have been listed as 'terrorist organisations.'

Jamila is breaking the law because although Black September is not a 'terrorist organisation,' it is on the Consolidated List, and so dealing in its money is against the law.

Deen is breaking the law as the Armed Islamic Group is one of the 17 listed 'terrorist organisations' in Australia

REFERENCES

¹ Suppression of the *Financing of Terrorism Act and the Security Legislation Amendment (Terrorism) Act*.

² Criminal Code Section 103.1.

³ Criminal Code Section 102.6. The maximum penalty ranges from 15 to 25 years imprisonment.

⁴ The list of organisations that have been listed under the Criminal Code as terrorist organisations can be found at: <http://www.ag.gov.au/www/nationalsecurityhome.nsf/HeadingPagesDisplay/Listing+of+Terrorist+Organisations?OpenDocument>.

⁵ Created under the Charter of the *United Nations Act*.

⁶ The Consolidated List can be found at http://www.dfat.gov.au/icat/regulation8_consolidated.xls

⁷ Schedule 2 of the *Suppression of the Financing of Terrorism Act 2002* which amends the *Financial Transaction Reports Act 1988*.

⁸ AUSTRAC (Australian Transaction Reports and Analysis Centre).

⁹ S16(1A) *Financial Transaction Reports Act 1988*.

Be Informed: ASIO and Anti-Terrorism Laws



The Australian Federal Police (AFP) is the national police force of Australia. It has special responsibility for enforcing national criminal laws, including the national terrorism laws.

Some of the things that the AFP can do include:

1. Use listening devices ('bugs') to secretly listen to your conversations;
2. arrest you (with or without a warrant);
3. search you;
4. search property and premises; and
5. detain you for questioning by ASIO.

The AFP and ASIO often work together.

Who issues a warrant?

The AFP needs to apply to a judge for a warrant. The application is usually made when the person that the AFP wants to search or arrest is not present.



What criteria must the AFP meet in order to obtain a warrant?

For a listening device in relation to persons

A judge can issue the warrant to the AFP when the judge is satisfied that a person has:

- a. committed; or
 - b. is suspected on reasonable grounds of having committed; or
 - c. is suspected on reasonable grounds of being about to commit;
- a criminal offence.

The judge must also be satisfied that:

- a. information that is likely to be obtained by a listening device would be likely to assist the AFP with a criminal offence; and
- b. that the information cannot be appropriately obtained in any other way.

In most circumstances, the judge hearing the application for the warrant must consider:

- a. how much the privacy of a person would be interfered with;
- b. the seriousness of the crime being investigated; and
- c. to what extent the information would help the police.

SEARCH WARRANTS FOR PREMISES

Search warrants for premises are issued by a judge.

A magistrate may issue a search warrant for premises or a motor vehicle if they are satisfied that there are reasonable grounds for suspecting that there is (or there will be in the next 72 hours) anything at the premises that could be used in court.

The owner of the premises or motor vehicle is entitled to be present when the police carry out their search. However, the person can be removed if the person gets in the way of the police carrying out the search.

Each state or territory may have additional powers for issuing warrants under separate territory or state laws. ASIO also has extensive powers for using listening devices, intercepting telephone conversations and monitoring computer use.

With terrorism offences, the AFP can arrest you without a warrant when they believe on reasonable grounds that:

- a. you have just committed an offence or you are committing an offence; and
- b. your arrest is necessary for the purpose of:

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- (i) ensuring that you appear before a court; or
 - (ii) preventing you from continuing the criminal offence, or repeating the offence; or
 - (iii) preventing the concealment, loss or destruction of evidence; or
 - (iv) preserving your safety or welfare; and
- c. issuing a summons for you to attend court would not achieve such a purpose.

An AFP officer may apply to a magistrate for an arrest warrant for a person. The AFP officer needs to swear an affidavit setting out the reasons why the warrant is needed, including why the police officer believes that the person has committed the offence, and why the warrant ordering the person to attend court would help.

Where the AFP has been given the warrant by the judge, the AFP can use the necessary force to enter any premises to arrest you. This can be done at any time.

The officer carrying out the arrest must inform you why you are being arrested.



Can the AFP search me after I have been arrested?

The AFP can carry out a frisk search if it is appropriate to do so.

An ordinary (or general) search may be carried out if it is reasonably suspected by the police officer that you are carrying anything you shouldn't be carrying, such as a gun or evidence of a crime. Where you are arrested in your home or premises, the AFP may seize items in 'plain view' or where items can be used for evidence.

The AFP can also search you at a police station.

In what circumstances can the AFP search me or my home without a warrant?

The AFP may search your home or car without a warrant, if they reasonably suspect that some evidence that needs to be seized urgently is in the home or car, and that it is likely to be hidden, lost or destroyed if it is not taken straight away.

How long can the AFP detain me?



You can be detained by the AFP for 4 hours: however, this 4 hours does not include 'dead' time.

'Dead' time includes:

1. being driven to the police station;
2. telephoning for family, an interpreter or a lawyer;
3. waiting for the person's family, an interpreter or a lawyer to arrive;
4. the time taken for the person to receive any medical treatment.
5. any waiting time to be taken before a Judge for an order that the person may be detained for more than 4 hours.
6. in the case of a terrorism offence, 'dead time' must be approved by a magistrate upon application by the detaining authorities.

If the AFP applies for an extension of the 4 hour period, the magistrate may grant an extension, however the total time of the extension can only be 20 hours (making the total 24 hours).

What happens after the 4 hours/extended detention period?

At the end of the detention period, the police must charge you or release you.

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If you are released, it can be:

1. unconditionally (so you are as free as before) or
2. on bail.

Being released on bail means that you are free to go, but you must promise to do what the bail conditions say you must do. This often means that you will return to the police station or court in the future.

Can I be given bail if I am charged with a 'terrorism' offence?

If you have been charged with a terrorism offence, the police will hold you in police detention until they can take you before a judge. A judge will only give you bail in exceptional circumstances.

Should I make a statement to the AFP if I am asked?



NO!
You should never make a statement to the Australian Federal Police without speaking to a lawyer first. Refusing to give an interview to the AFP cannot be used against you later. This is different from ASIO using a questioning warrant, where a criminal offence is being committed if you refuse to answer questions.

What is a warrant?

A warrant is an official document that allows a police officer to make a search or to arrest you.

What is an arrest with a warrant?

This is where a warrant gives a police officer the power to arrest you.

Under the anti-terrorist legislation, you can be given a warrant to turn up later to be questioned, or you can be arrested and questioned immediately. In both cases, the warrant is an ASIO warrant, but it will be the police that physically carry out the arrest.

Jack Roche

Jack Roche gave an interview to Australian Federal Police (AFP) in November 2002. He gave an interview to the police and, based partly on that evidence, he was charged with a number of terrorism offences. He was later sentenced to 9 years' imprisonment. After being sentenced, an AFP officer said that it was Roche's own interview with the AFP which provided the evidence which led to his conviction. The AFP officer said that by taking part in the interview, Roche had put 'a noose around his own neck.'

What is an arrest without a warrant?

A warrant is not always necessary for a police officer to arrest you. A police officer (including from the Australian Federal Police) can arrest you where the police officer suspects that you have committed a criminal offence. You can also be arrested without a warrant where the police officer believes you are in the process of committing an offence or if you are about to commit an offence.

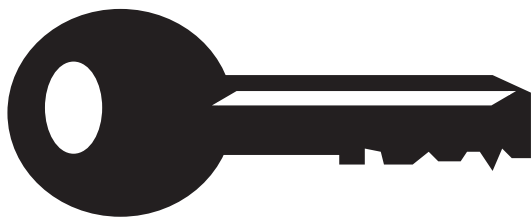
What is a questioning warrant?

A questioning warrant is a document obtained by ASIO. It is given to you and orders you to turn up to a certain place at a particular day and time. It is a criminal offence not to do what the warrant says.

What is a questioning and detention warrant?

This is like a questioning warrant, but it also gives police the power to arrest you. Once it is given to you by a police officer, it is a criminal offence not to go with the police officer who has given it to you.

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What is detention?

Detention is being held somewhere by the police, whether you want to be there or not.

What is a charge?

A charge is a formal legal accusation that you have broken the law. It will be on an official form and the form will have a 'return date' which is the date that you need to attend the police station or the court in the future. If you are charged, you should immediately see a lawyer.

What is 'the Commonwealth'?

The Commonwealth is a political word meaning the federated states of Australia. It is sometimes abbreviated to 'Cth'. It is often used to refer to the Federal government.

WHAT IS ASIO?

ASIO is the Australian Security Intelligence Organisation. It is responsible for providing information to the government about terrorism matters. ASIO employees do not have the powers of arrest that the police have and they do not carry guns.

WHAT IS THE AUSTRALIAN FEDERAL POLICE?

The Australian Federal Police (the AFP) is Australia's national police force. AFP officers investigate terrorism, arrest people, charge people, and like other police officers, they carry guns. If ASIO gets a questioning and detention warrant to question you, it will be AFP officers who carry out the arrest.

REFERENCES

- ¹ It is also the normal police force in the Australian Capital Territory.
- ² ASIO is the Australian Security Intelligence Organisation.
- ³ The application for a warrant can be to a Federal Court Judge. Members of the Administrative Appeals Tribunal may also be nominated to hear warrant applications.
- ⁴ This is covered by the *Australian Federal Police Act 1979*.
- ⁵ Section 12G *Australian Federal Police Act 1979*. See also sub-section (2)(b)(iv).
- ⁶ See sections (2)(b)(ii), (4)(b)(ii), (5A)(b)(ii) and sections 12G (7)(a) – (c).
- ⁷ This is governed by *Crimes Act 1914*
- ⁸ section 3P *Crimes Act 1914*
- ⁹ A person who 'swears an affidavit' means that the person is promising to tell the truth. There are criminal penalties for swearing an affidavit if the person tells lies.
- ¹⁰ Enter any premises on reasonable grounds: section 3ZB *Crimes Act 1919*.
- ¹¹ See 3ZB-E *Crimes Act 1919*.
- ¹² Sections 3ZF – 3ZH *Crimes Act 1919*.
- ¹³ s23CA(8)(m), 23CB *Crimes Act 1914*.
- ¹⁴ section 23DA *Crimes Act 1919*. There can be multiple extensions, up to the maximum. For a non-terrorism offence, there is no more than one extension of 8 hours: section 23D(5) *Crimes Act 1914*

Be Informed: ASIO and Anti-Terrorism Laws

The Committee¹ has now begun its review of the anti-terrorism laws and is inviting written submissions from the public and interested organisations. Submissions must be received by the close of business on 24 March 2005. This is the only planned review of the new ASIO questioning and detention powers. Therefore, this may be the only time that the community can effectively express their views to the Committee.²

The Committee will read all submissions and make recommendations to Parliament on how the laws should be changed and improved. Any person can make a submission, even if you are not a lawyer or a member of an organisation. The Committee is part of Parliament, and it wants to know what the community generally thinks about the laws.



I'm worried about the new laws because I am a Muslim and they might be used to target me even though I haven't done anything.



Some of the things that you can say in your submission could be:

- (a) What, if anything, has been your personal experience of these laws.
- (b) Express your concerns about how the legislation has worked since it has been in force.
- (c) Whether all the people questioned so far under an ASIO warrant have been Muslim, and if so, why this might concern you.
- (d) Whether ASIO has used the threat of a questioning or detention warrant to persuade people to talk to it, and why this causes concern.
- (e) Whether such threats have been directed only at Muslims, and why this causes concern.
- (f) What has been achieved by the ASIO questioning powers, and whether the achievements outweigh the detriment of eroding people's civil rights.
- (g) What problems, if any, have occurred by the use of the new powers.
- (h) Whether the detention laws are necessary, given that the detention warrant process has not been used.
- (i) Whether further safeguards should be in place.

Send your submission to:

The Secretary
Parliamentary Joint Committee on ASIO,
ASIS and DSD
Parliament House
CANBERRA ACT 2600
Tel: (02) 6277 4348
Fax (02) 6277 2067
Email: Margaret.Swieringa.Reps@aph.gov.au

Your written submission can be sent by post or email.

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REASONS WHY YOU SHOULD MAKE A SUBMISSION

- The ASIO questioning laws reverse the long-held presumption of innocence. If you don't answer a question under a questioning warrant because you don't know the answer, you have to somehow prove that you don't know the answer to ASIO's questions.
- The laws promote government secrecy about how they assess 'suspects.'
- There is no transparency of process. For example, what does the Minister take into consideration when deciding that an individual or organisation should go on to the Consolidated List? For example, does the Minister put organisations on the list at request of foreign governments without proper consideration of the merits?
- It is very easy for innocent people to get caught up in the legislation.
- As the questioning warrants have only been used 3 times, there is no reason to believe that they have been useful.
- ASIO detention warrants have not been used and are therefore not needed.
- Arguably, these laws perpetuate discrimination against Muslims and people of 'Middle Eastern appearance.'
- Freedom of speech is eroded because it inhibits people from verbally supporting unpopular causes or politics.
- Freedom of political expression is eroded.
- Freedom of political association is eroded because people might be scared of being guilty of 'associating' with terrorists.

REFERENCES

¹ The Parliamentary Joint Committee on ASIO, ASIS and DSD (the PJCAAD)

² Under the *Intelligence Services Act 2001* the PJCAAD is required to review the operation, effectiveness and implications of Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979* by 22 January 2006 (i.e. the new powers given to ASIO permitting compulsory questioning and detention of people suspected of having information about 'terrorism' offences).

Be Informed: ASIO and Anti-Terrorism Laws

Most laws relating to anti-terrorism are contained in laws such as the *ASIO Act 1979* and the *Criminal Code Act 1995*. These laws apply across Australia. However, some criminal laws relating to terrorism apply on a state by state basis.



terrorism, the provision of 'sneak and peek' warrants (where your home or premises can be searched by the police secretly) and the compulsory reporting of certain chemicals if they are lost or stolen.

Section 9 includes the keeping of counter-terrorism information secret in legal proceedings. This means that you could be charged with an offence and some of the prosecution evidence can be kept back from you if the disclosure of that information would 'prejudice the prevention, investigation or prosecution of a terrorist act or suspected terrorist act; and the public interest in preserving secrecy or confidentiality outweighs the public interest in disclosure.'

Terrorism (Community Protection) Act 2003
Petroleum (Submerged Lands) Act 1982
Sections 151B. Emergency periods

Northern Territory

The Northern Territory passed new legislation in 2003, but also had legislation in force prior to 11 September 2001, which was modelled on the *British Prevention of Terrorism (Temporary Provisions Act) 1974*.

Criminal Code Act 1983
Schedule I, Part III, Division 2 Terrorism (sections 50-55). Note: terrorism is defined in section 50 and made an offence in section 54
Terrorism (Northern Territory) Request Act 2003
Terrorism (Emergency Powers) Act 2003

New South Wales (NSW)

NSW has the *Terrorism (Police Powers) Act 2002 (NSW)* which gives the police special powers. Where the special powers are authorised, police officers can demand that you identify yourself and can search you, your car, home or business premises. The police can also set up road blocks and cordons to close off areas. The decision of a senior police officer to authorise the special powers cannot be challenged in any court.

NSW has also amended laws in relation to the Sydney Opera House, which was passed at the same time as the *Terrorism (Police Powers) Act 2002 (NSW)*. This followed the painting of "NO WAR" on the main sail of the Opera House on 18 March 2003 to protest against the invasion of Iraq. The Act provides for very severe penalties against trespassing and trespassing with intention to commit any offence under the *Summary Offences Act 1988*. No act needs to have taken place for a criminal offence to have occurred.

Terrorism (Police Powers) Act 2002 (assent 5 December 2002)

Victoria

Victoria has passed the *Terrorism (Community Protection) Act 2003 (Vic)*, which has a number of new powers and obligations in relation to



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Queensland

The *Police Powers and Responsibilities Act 2000* (Qld) contains section 147A, which authorises the use of covert ('sneak and peek') search warrants in some circumstances.

Police Powers and Responsibilities Act 2000
Sections 132-137 Emergency use of
surveillance devices

Tasmania

Tasmania also has special legislation in relation to listening devices.

*Classification (Publications, Films and
Computer Games) Enforcement Act 1995*
Sections 3, 10



REFERENCES

1 "Terrorism" is defined in the *NSW Act* in almost the same way as that found in section 5.3 of the federal Criminal Code.

2 An 'authorisation' under the *NSW Act* has not yet occurred at the time of writing.

3 Strip searches are authorised if a person is suspected of being the 'target' of an authorisation to use the special power (Schedule 1 s4). The strip search can be carried out on anyone who is 10 years of age or over (Schedule 1 s7).

4 Section 13 of the Act.

5 *Sydney Opera House Trust Act 1961* (NSW) as amended by the *Sydney Opera House Trust Amendment Act 2004* (NSW).

6 S28A, 2 years imprisonment or a fine of 200 penalty units (\$22,000 at time of writing), or both.

7 Such as offensive language or offensive behaviour. S28B provides a maximum penalty of 7 (seven) years imprisonment.

Be Informed: ASIO and Anti-Terrorism Laws



If you have been charged with an offence, or ASIO or the Australian Federal Police want to speak with you, you should contact one of the organisations below under Legal Advice.

General information in plain English about the ASIO and anti-terrorism laws can be found under 'activist groups.' These are also the people to contact if you want to help campaign for civil rights.

Researchers will find starting at the Australian Parliament website and the Gilbert and Tobin Centre of Public Law (UNSW) a good first step.

Practising lawyers and advice workers who have a client who has been charged with a terrorism offence or has been served with an ASIO warrant should consider contacting AMCRAN or the Civil Rights Network (below), as both organisations are in contact with lawyers who have experience in this area.

Of course, any contact with these organisations by telephone or email may be monitored.

LEGAL ADVICE

Community legal centres

Community Legal Centres can be found around Australia, and provide free legal advice (subject to means tests) in NSW. To find out the location of your nearest community law centre, ask your local library, or for a full list, go to See:

<http://www.naclc.org.au/directory/centres.html>

LEGAL ADVICE

Legal Aid Commission – NSW

Tel: (02) 9219 5000

<http://www.legalaid.nsw.gov.au>

provides information, advice and assistance on criminal matters in NSW.

Legal Aid Hotline for under 18s (NSW)

Tel: 1800 101 810

Free legal advice on the phone for those under 18.

Law Society of NSW (for referral to private lawyers)

Tel: (02) 9926 0333

<http://www.lawsociety.com.au/>

Victoria Legal Aid

Tel: (03) 9269 0234

<http://www.legalaid.vic.gov.au/>

provides information, advice and assistance on criminal matters in NSW (subject to means and merits tests in some cases)

Law Institute for Victoria (for referral to private lawyers)

Tel: (03) 9607 9311

<http://www.liv.asn.au/>

The official website for the profession body of lawyers (solicitors) in Victoria.

Legal Aid Commission ACT

Tel: 1300 654 314

The Law Society of the Australian Capital Territory (for referral to private lawyers)

Tel: (02) 6247 5700

<http://www.lawsocact.asn.au/>

Legal Aid Queensland

Tel: 1300 65 11 88

<http://www.legalaid.qld.gov.au/gateway.asp>

Queensland Law Society (for referral to private lawyers)

Tel: (07) 3842 5888

Fax: (07) 3842 5999

<http://www.qls.com.au/>

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MAKING A COMPLAINT

About ASIO

Inspector-General of Intelligence and Security
Tel: (02) 6271 5692
<http://www.igis.gov.au>
info@igis.gov.au

About the AFP

AFP National Headquarters
Tel: (02) 6256 7777

Commonwealth Ombudsman

An online complaint form available at:
www.comb.gov.au/complaints_investigations/default.htm

Complaints may also be made to the Commonwealth Ombudsman for the cost of a local call from anywhere in Australia on 1300 362 072.

ACTIVIST GROUPS

Australian Muslim Civil Rights Advocacy Network (AMCRAN)

<http://amcran.org>
web site with general information on anti-terrorism and ASIO laws of special relevance to the Muslim Community. Has an online copy of the booklet *ASIO, the Police and You*, which can be downloaded for free.

Civil Rights Network

<http://www.civilrightsnetwork.org/>
Backgrounds documents, with active branches of lawyers, academics, students, community workers and others in Melbourne and Sydney.

NSW Council for Civil Liberties

<http://www.nswccl.org.au>
Official NSW website for the Council for Civil Liberties

Victorian Council for Civil Liberties (Liberty Victoria)

<http://libertyvictoria.org.au/index.asp>
Official Victorian website for the Council of Civil Liberties.

HUMAN RIGHTS, POLICY, GENERAL INFORMATION

Amnesty International Australia

<http://www.amnesty.org.au>

Australian Legal Information Institute

<http://www.austlii.org/>
A comprehensive website with copies of Australian federal and state laws, many court decisions and magazine articles.

Australian Human Rights Centre (UNSW)

<http://www.ahrcentre.org>

Australian Lawyers for Human Rights

<http://www.alhr.asn.au>

Australian Parliament

<http://www.aph.gov.au/library/intguide/law/crimlaw.htm#Terrorism>. This is a very comprehensive site, which has many links on policy, the law and international matters. Scroll down the page to find 'terrorism.'

Australian Policy Online

<http://www.apo.org.au>

Civil Rights Network

www.civilrightsnetwork.org

Electronic Frontiers Australia

<http://www.efa.org.au>

Gilbert and Tobin Centre

<http://www.gtcentre.unsw.edu.au/>
Of Public Law (UNSW)

International Commission of Jurists

Australian Section on Terrorism
<http://www.icj-aust.org.au/?no=13>

Legal Information Access Centre

<http://liac.sl.nsw.gov.au/>
Site for general information about the law in NSW.

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INTERNATIONAL

Australian Parliament

<http://www.aph.gov.au/library/intguide/law/crimlaw.htm#Terrorism>. Scroll down the page to find 'terrorism' for a large number of links to international sites.

American Civil Liberties Union

<http://www.aclu.org/>

Canadian Civil Liberties Association

<http://www.ccla.org>

Cyber Rights (UK)

<http://www.cyber-rights.org>

History of Civil Liberties UK

<http://www.magnacartaplus.org/civil-liberties>

Human Rights Watch

<http://www.hrw.org/>

Human Rights Web

<http://www.hrweb.org/resource.html>

International Commission of Jurists

<http://www.icj-aust.org>

Liberty UK

<http://www.liberty-human-rights.org.uk>

New York Civil Liberties Union

<http://www.nyclu.org>

People's Union for Civil Liberties (India)

<http://www.pucl.org>

State Watch (European Union)

<http://www.statewatch.org>

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Federation of Community Legal Centres

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NOTES