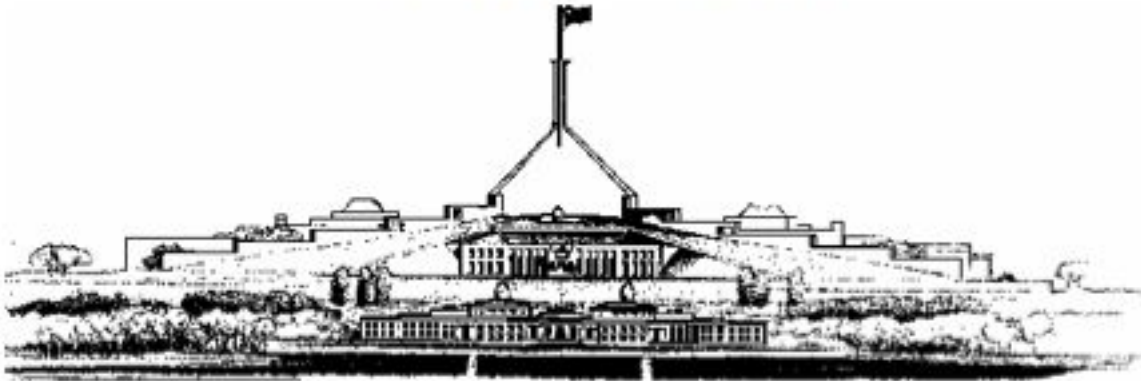




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002 [NO. 2]

In Committee

SPEECH

Wednesday, 18 June 2003

BY AUTHORITY OF THE SENATE

SPEECH

Date Wednesday, 18 June 2003
Page 11907
Questioner
Speaker Cherry, Sen John

Source Senate
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Responder
Question No.

Senator CHERRY (Queensland) (5.51 pm)—I rise to support the Democrat amendments moved by my colleague Senator Greig. I want to speak very briefly on a general concern I have about this legislation and the reason that I think it is absolutely essential that these amendments need to be passed. The concern we have is generally about the accountability of ASIO to this parliament. The amendments ensure that accountability is at least in the legislation for the activities that ASIO is engaging in. My concern arises from the lack of proper parliamentary scrutiny of ASIO's activities. The committee which has been established under the Intelligence Services Act 2001 earlier today was authorised by the Senate to conduct an inquiry into weapons of mass destruction. My concern is that it is so easy for the minister to prevent proper public inquiries into the activities of ASIO, DSD or ASIS. That is certainly a matter that has come to the fore in my consideration as to whether to support the earlier reference.

These amendments are absolutely essential because of the flaws in the accountability mechanism. It is worth noting that, under section 4 of the schedule to the Intelligence Services Act, the minister responsible for an agency can prevent the disclosure of operationally sensitive information. Section 6 makes it clear that, where a review is conducted in private, the committee must not disclose or publish or authorise publication of the evidence or the contents of a document without the written authority of the person who provided it. Under section 7 there are restrictions on disclosure to parliament. Most importantly, the one I was particularly concerned about was under section 20, the proceedings: the committee must not without the approval of the minister responsible for ASIO, the minister responsible ASIS or the minister responsible for DSD conduct a review in public.

I raise these matters only because it is fundamentally important when we talk about these matters, whether it be ASIO or the advice this government received prior to the war in Iraq, that we ensure that there is opportunity for proper public parliamentary scrutiny. Whilst there should be appropriate and reasonable exceptions given for intelligence matters, it is not appropriate to allow these sorts of levels of secrecy to occur in inquiries. It is the reason why I opposed the Labor Party's reference to that committee of the matters dealing with the Iraqi war, why I would have preferred to have seen a public inquiry, why I think these particular amendments that Senator Greig has moved are so essential in making sure that there is proper legislative accountability for the activities of our intelligence agencies and why I think it is absolutely essential that this government agrees to a full inquiry, judicial or whatever, to ensure that we get to the bottom of what Australia did and did not know in the lead-up to the Iraqi war.