

# Explainer: What do the new anti-terrorism laws involve and how will they will be rolled out?

By political correspondent [Emma Griffiths](#)

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AFP. (AAP: Lukas Coch)

PHOTO: [The new laws will bolster the powers of security agencies including the](#)

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**The Government has announced a suite of new anti-terrorism laws to target so-called foreign fighters as well as those engaging in terrorist activities in Australia.**

[The country's terrorist alert level was raised from medium to high](#) earlier this month under recommendation from security agencies citing the number of Australians "fighting with and supporting" terrorist groups in the Middle East.

The new laws are being introduced in three stages and aim to bolster the powers of security agencies and make it easier to identify and prosecute Australians involved in terrorist activities.

## Stage 1: The National Security Legislation Amendment Bill (No. 1) 2014

The first bill was introduced to parliament in July and is due to be debated in the Senate this week.

If passed in its current form, it will:

- allow one warrant to cover a whole computer network, allowing ASIO officers to disrupt the operation of targeted computers and use third party computers to access targeted computers
- give ASIO officers criminal and civil immunity from prosecution under a newly defined covert "special intelligence operation" - but the Attorney-General says this will not permit torture
- enable Australia's overseas spy agency ASIS (Australian Secret Intelligence Service) to spy on Australians overseas and to cooperate with ASIO with less executive oversight
- increase the penalty for disclosing information about a special intelligence operation to a maximum of five years imprisonment, and 10 years imprisonment if it can be proven the person intended to endanger someone or was "reckless" about whether disclosing the information would endanger someone (this provision has the potential to impact journalists)
- open up ASIO tasks and powers to contractors and public servants seconded from other agencies and make it easier for ASIO employees to work in other parts of the public service

## Stage 2: Counter Terrorism Foreign Fighter Bill

The second stage of the Government's plan is due to be introduced to Parliament this Wednesday.

The Government has said it will:

- make it easier to identify, to charge and to prosecute Australians who have been engaged in terrorist activities overseas
- make it an offence to travel to an area designated as being of "terrorist activity" without a valid reason (for example humanitarian or family purposes) - but the Attorney-General says this will not reverse the onus of proof
- broaden the application of law from a "terrorism activity" to "terrorism"
- make it an offence to promote or encourage terrorism, including on social media

- expand the definition of terrorist training and "armed hostilities"
- lower the threshold for authorities to be granted control orders and preventative detention orders
- redefine the definition of an "imminent" terrorist attack to one that will occur within 14 days

## Stage 3: Data retention legislation

This is under development by the Attorney-General and due to be before Parliament by the end of the year.

The Government has indicated this legislation will:

- require telecommunications companies to retain customer's phone and computer metadata for around two years
- include a "statutory definition" of metadata to ensure clarity on what information will be kept
- still require security agencies to obtain a warrant before accessing the actual content of messages or conversations

The Government is still negotiating with telcos about who will bear the cost of retaining the data.

**Topics:** [terrorism](#), [security-intelligence](#), [defence-and-national-security](#), [federal-parliament](#), [government-and-politics](#), [world-politics](#), [laws](#), [law-crime-and-justice](#), [australia](#), [iraq](#), [syrian-arab-republic](#)

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