



OFFICE OF THE INSPECTOR-GENERAL OF INTELLIGENCE AND SECURITY

SCHEDULE “B”

INFORMATION

This information is intended for persons who have been summoned to appear before the Inspector-General of Intelligence and Security (the “Inspector-General”) to be examined on oath or produce documents or other things, or both.

All references are to the Inspector-General of Intelligence and Security Act 1996 unless otherwise stated.

EXAMINATION IS IN PRIVATE

Investigations by the Inspector-General, including all examinations on oath before the Inspector-General, are conducted in private (section 19(6)).

YOU MUST COMPLY WITH YOUR SUMMONS

You must appear at the date and time specified in the summons. You must also re-appear before the Inspector-General from day to day if required, unless you are excused from attendance or until you are released from further attendance by the Inspector-General.

It is an offence to refuse or fail to comply with this summons without reasonable excuse. Every person who commits such an offence is liable on conviction to a fine not exceeding \$5,000 (section 23(8)).

If your summons requires the production of documents or other things, you must bring the documents or things with you when you answer this summons (section 23(1)).

AT THE EXAMINATION

Having appeared before the Inspector-General in answer to your summons, you will be asked to swear an oath or affirm that the information you give to the Inspector-General will be the truth.

The hearing will be presided over by the Inspector-General or the Deputy Inspector-General.

You will be asked questions or asked to produce documents or other things.

You should be aware that the fact you have been examined on oath and been released from your summons does not preclude you from being re-called to be examined further at such time as the Inspector-General may determine. A further summons will be served on you should that circumstance arise.

PRIVILEGE

You must answer the questions you are asked in the examination by the Inspector-General and comply with any requirement of the Inspector-General to give any information or produce any document or thing.

Your compliance with any requirement of the Inspector-General to give any information or produce any document or thing is not a breach of the relevant obligation of secrecy or non-disclosure, or of the enactment or provision by which the obligation is imposed (section 23(5)). Every person who appears as a witness before the Inspector-General has the same privileges in relation to the giving of information, the answering of questions, and the production of documents as witnesses have in courts of law (section 23(4)).

OFFENCES

An examination before the Inspector-General is deemed to be a judicial proceeding within the meaning of section 108 of the Crimes Act 1961, which relates to perjury. It is an offence punishable by a maximum of seven years' imprisonment for committing perjury in an examination before the Inspector-General.

Section 23(8) creates the following offences:

23 Powers of Inspector-General in relation to inquiries

...

- (8) Every person commits an offence and is liable on conviction to a fine not exceeding \$5,000 who—
- (a) without lawful justification or excuse, wilfully obstructs, hinders, or resists the Inspector-General or any other person in the exercise of his or her powers under this Act;
 - (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Inspector-General or any other person under this Act;
 - (c) wilfully makes any false statement to or misleads or attempts to mislead the Inspector-General or any other person in the exercise of his or her powers under this Act.

LEGAL REPRESENTATION

You may wish to consult with a legal representative of your own choosing about this summons prior to the examination.

You may be represented at the examination by counsel. The conduct of counsel in the examination is governed by the procedure for the examination, which is to be set and administered by the Inspector-General. In particular, non-security cleared counsel may not access classified information, should that arise.

ALLOWANCES AND TRAVELLING EXPENSES

You are entitled to have tendered or paid to you at the time of the service of this summons on you or at some other reasonable time before the examination, a sum in respect of your allowances and travelling expenses (section 23(6)).

The scale of allowances and travelling expenses applicable is that prescribed for the time being by the Witnesses and Interpreters Fees Regulations 1974.