

To

Re; Home Affairs Minister Peter Dutton's "Australian Security Intelligence Organisation Amendment Bill 2020"

I support statements from Greg Barns, a barrister and Criminal Justice Spokesman for the Australian Lawyers Alliance as printed in the Sydney Morning Herald.

It deserves our legislators' full attention, and must not be waved through the parliament as an afterthought to a coronavirus debate.

This proposed legislation represents a further attack on the rule of law in Australia and requires the full attention of a properly-functioning federal Parliament, not one which under current arrangements, fewer members of the House of Representatives and the Senate are attending because of social distancing requirements.

"It's a sad reality, but there are 14-year-old kids at the moment who have been indoctrinated online, in our own country, by listening to all sorts of crazy thoughts of people overseas, or they're being indoctrinated here in Australia, who pose a significant threat," the Minister said. ABC news.

If the indoctrinated child, or if you prefer, teenager, but certainly legally still a minor, has committed a crime then A.S.I.O. can have the child prosecuted in the child's state children's court. If no crime has been committed but A.S.I.O. is worried about that child then A.S.I.O. should request counselling for that child from that court.

Previously the lower age bracket for questioning was 16, but minors (under 18) would require a lawyer to be present.

The Intelligence & Security Committee has previously decided that A.S.I.O interrogators of 16 & 17 year olds should only question minors with a lawyer to be present. Do 14 & 15 year olds require less care?

The committee and minister are now saying that an indoctrinated minor poses such a threat to society that harshness of an adult type interrogation can be performed, and that that interrogation can be performed without any support to the minor. I would expect the indoctrinated minor to come out of such an experience traumatised to such an extent that society, the government, would have to provide ongoing support to him/her for many years. I say that that person could be filled with such hate that the committee and Minister Dutton would have created a greater danger than had previously existed.

- *The Law Council has warned 14-year-olds may lack an understanding of consequences. (ABC)*

There is a definite probability that some teenagers won't be considering their choice of words in answers nor may they be considering the

consequences of their answers. They are not legal experts & most likely have never had experience with the laws or police. It is known that teenagers can be moody and that these moods will affect attitudes to answers and surroundings with dire consequences in situations that A.S.I.O. & Minister Dutton are requesting.

“Then there is a serious attack on the fundamental right of a person, whether they be 14 or 40, to choose their own lawyer when they are subject to investigation by ASIO. The bill allows for a prescribed authority, which is a judge or Administrative Appeals member selected by the government, to stop a person ASIO is seeking to question from contacting their lawyer if “satisfied, based on circumstances relating to the lawyer, that, if the subject is permitted to contact the lawyer, a person involved in activity prejudicial to security may be alerted that the activity is being investigated, or that a record or other thing the subject may be requested to produce might be destroyed, damaged or altered.” This power is sweeping and allows for hearsay “evidence” to be used. All ASIO would have to do is tell the judge or AAT member that they have heard from “sources” that the lawyer requested by the detainee is a security risk.

But even if the lawyer passes muster and sits with his or her client, the ASIO officers doing the questioning can have the lawyer removed. The Explanatory Memorandum of the Bill says that can happen, “if the lawyer’s conduct is unduly disrupting questioning. This may be the case where, for example, a lawyer repeatedly interrupts questioning (other than to make reasonable requests for clarification or a break to provide advice), in a way that prevents or hinders questions being asked or answered.” So if the ASIO officers are badgering or harassing a frightened 14-year-old, or asking questions that are completely irrelevant, they have carte blanche.
Greg Barns SMH

This is saying that independent lawyers can't be trusted to follow the law; that they will interfere with evidence. It is also saying that independent lawyers who do their job instructing their clients or reminding A.S.I.O. Officers of their boundaries are failing general Australian citizens. Australians who have need of a lawyer will want that person to do their job properly and not acquiesce to police or governments.

As for A.S.I.O. being able to place tracking devices in any citizen's car or bag simply on the vocal say so of another A.S.I.O. Officer “so long as that request is put in writing within 2 days” makes me wonder what is the difference between A.S.I.O. & former police of East Germany, Second World War Germany, cold war Russia, and modern Chinese and Indonesian police.

Minister Dutton's idea of modernising A.S.I.O. Is to diminish an admirable country. As a traveller in Europe I had to put up with comments on Australians' inhumanity to refugees. Now I can see that personal freedom is being unnecessarily curtailed because of a minister's and an organisation's over reaching sense of power.

“Security agencies warn the level of espionage & foreign interference is at

unprecedented levels.”

I see 2 possible reasons for this. It could be that these agencies are not doing their own jobs properly; putting time into bugging foreign officials in their own home offices is not the way to safeguard Australians. If cost cutting had not been so stringent as to sack Australian I.T. public servants who were handling computers and programs in government offices and departments such work would not now be in the hands of foreigner companies. Hacking and interference “at unprecedented levels” might very well have been prevented.

Some people are complaining about a police state because they are forbidden to sit in a crowded cafe and have coffee with friends while there is a .1% chance that such behaviour will result in their deaths. They should be protesting that the proposed laws are creating a real police state to prevent .00001% chance of death or is that one chance in 20,000,000?

There are people who have suffered at the hands of “over enthusiastic” police and no longer have respect for them. I choose to think that such police are a minority. I have no respect for Australian Federal Police since Mick Kelty handed the drug smugglers to the Indonesians even though he knew the young travellers faced a death penalty. Now the Australian Security Intelligence Organisation and Minister Dutton are forcing Australian people to regard A.S.I.O. as equally unnecessary and a waste of taxpayers' money which could be going to protecting hospital staff and teachers and thereby save more lives than A.S.I.O. will.

Angela Turner

