

Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
Canberra ACT 2600

26 June 2020

Dear Joint Committee Members

Review into the effectiveness of the Australian Security Intelligence Organisation Amendment Bill 2020 (ASIO Amendment Bill 2020)

General Comments

In my view, the timing of the ASIO Amendment Bill 2020, under the ‘cover’ of COVID19 is, at best inappropriate and at worst, intentionally done to ensure minimum debate and scrutiny. What comes to mind is *“You never want a serious crisis to go to waste ... And what I mean by that is, it’s an opportunity to do things you think you could not do before”*. I understand said by Rahm Emanuel, chief of staff to former US President Barack Obama, about the global financial crisis (Wall Street Global Forum in 2008).

With the exception of the repeal of ASIO’s power to detain for questioning, I consider that this Bill seeks to further undermine our democracy as it provides for more authoritarian and coercive powers to be given to ASIO, which are patently not demonstrated to be necessary. The Home Affairs Minister Peter Dutton, as many other commentators have said, has tabled extraordinary legislation seeking to give ASIO powers *“typical of a military dictatorship, or a totalitarian state”* (SMH, May 17, 2020, Jacqueline Maley).

It is also self evident that Peter Dutton has little regard for the rule of law and has acted *“contrary to law”* in dealing with an Iranian man’s long standing application, having been placed in immigration detention in December 2016, for a protection visa (SMH, June 17, 2020, Michaela Whitbourn).

It is fundamental that we have full and open Parliamentary scrutiny, including debate, on the protection of and commitment to human rights and the rule of law. I believe in and support calls for extraordinary powers, such as given to ASIO, to be subject to independent judicial scrutiny.

Specific Concerns and Objections

I am extremely concerned about the Bill as a whole and strongly object to the following specific provisions:

- the ability to request questioning warrants for 14 year old children
- extending the use of questioning warrants beyond investigating terrorism
- the streamlining of the process for requesting and issuing questioning warrants
- the ability for the authorisation of oral warrants allowing for arrest, search and detention
- the limits on challenging warrants and the lack of limits on the number of warrants that can be issued
- the limits on contacting lawyers and the power to override/remove chosen lawyers
- the ability to plant surveillance devices on people and or their possessions except in demonstrated necessary circumstances and with external authorisation

Yours sincerely

Giulia Inga

