



MULTICULTURAL COMMUNITIES COUNCIL

OF NEW SOUTH WALES INCORPORATED

(MCC NSW Inc. 14401100)

For a Multicultural New South Wales

All correspondence to Chair – PO Box 298 Kingsgrove NSW 2208 Australia

14 June 2018

Mr Andrew Hastie MP
Chair
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021. Parliament House
Canberra. ACT 2600

By email pjicis@aph.gov.au

Dear Mr Hastie,

Re: Submission on Foreign Influence Transparency Scheme Bill 2017 and National Security Legislation Amendment Bill (No. 1) 2014

1. We make a late submission on behalf of Multicultural Communities Council of NSW Inc. (MCCNSW) as we understand that the PJCIS has extended the deadline for written submissions.
2. The MCCNSW is a non-profit, non-partisan and non-sectarian organisation that advocates and represents the interests of the Multicultural communities. It is an incorporated association within New South Wales.
3. Australia has very diverse population, with over 200 languages spoken by its people. The complexities of the proposed legislation will challenge the understanding of the ordinary citizen, let alone immigrants with lower proficiency of English.
4. This submission reflects common concerns amongst ethnic community leaders. Most immigrants are not aware of the seriousness of the legislation and how it may affect them in their daily life as they come from more than 100 countries.
5. This bill will disadvantage our multicultural communities because it is not easy for a newly-arrived immigrant to completely forget their past with respect to their language, culture, education, history, and social & business activities from their 'old' country. Whilst many immigrants recognise the importance of leaving behind memories from the 'old country' in order to become a citizen of his/her adopted country, it is also a longstanding principle that the discussion of "motherland politics" within Australian multicultural organisations is out of order.

6. Rushing this bill through without proper consultation and education of Australia's rich and diverse community will create unintentional consequences for "innocent" citizens.
7. We are concerned that the proposed legislation is casting a net that is too wide and could have adverse effects on the following groups:
 - (a) Academics and teaching professionals where their work involves the understanding of cultural and external affairs of a foreign country;
 - (b) Non-government organisations such as associations, societies or groups and their office bearers, directors or staff engaging in public debate within the media. This is extremely problematic where the nature of debate concerns tri-lateral relationships with countries that are not traditionally seen as Australia's "allies", i.e. US-Australia-Russia, US-Australia-China, or US-Australia-DPRK.
 - (c) Professionals within the media industry where their work involves foreign cultural, economic and political expressions. This work may commonly be published or broadcast through ethnic media outlets such as SBS TV & radio, and the many non-English publications circulated throughout Australia that cater to various cultural groups.
8. We have consulted with other organisations for comments related to amendments of the proposed Bills and in particular, we support the views of the Chinese Community Council of Australia ("CCCA").

Views of CCCA

- Community sectors are not accorded "exemptions" whereas industry sectors are provided. This fails to recognize any potential erosion of a community's rights and discourse.
- Non English political discourse is quite dynamic in the social media zone such as Weibo and WeChat. This space is parallel to legislation.
- Section 11 (3) expands the causation and relationship aspects of the traditional foreign principal and agent to add a new collaboration concept. This overly widens the activity net of influence on a political government process or exercise of a democratic political right or process
- Whether the organization is deemed "foreign" is complex, especially in regard to management control, shareholder mix, place of registration, and real proximity of Australian legislative framework. The 15% rule is

only an arbitrary guide. By including overt interference activities with that of covert, all such activities are widened to bring completely open and above relationships across to unlawful activity.

- Criminalizing foreign influence under these amendments remains serious concern; as such, the size of penalties of 20 years or life are disproportionate.

9. In regard to the NSLA Bill, we are of the view that the proposed legislation is still too broad and undefined, particularly the terms “National Security” and “Public Infrastructure”. As it stands, in our opinion, the most affected community would be the Chinese Australian community and the risk of a bureaucratic misinterpretation about activities being lawful or unlawful is high.
10. We believe the proposed bill would curb the exercise of civil liberties, such as freedom of speech, right of protest and freedom of the press. It gives the perception that the day has arrived where one can be jailed for speaking out against a government in a democracy.
11. We believe that Australia is a cohesive and harmonious multicultural society and this legislation is not conducive in maintaining unity and harmony in a free society. We are of the view that this legislation has potential to be challenged in the High Court on discriminatory or human rights grounds.

We thank you for the opportunity to make this submission.

Yours sincerely,

Dr Anthony Pun, OAM
Chair
Multicultural Communities Council of NSW