

Sent: Friday, 29 May 2020 11:57 PM
To: Committee, PJCIS (REPS)
Subject: submission: Australian Security Intelligence Organisation Amendment Bill 2020

To the Committee,

Children are at increasing risk of radicalization. This was a subject of a recent joint chiefs of law enforcement meeting at a United Nations Security Council: Counter Terrorism Committee. It is a current hole in the national security framework. I am not sure this bill is really what is needed.

This bill damages Australia's national security. The mere proposals set out in this bill draws the ire of foreign governments and should it pass, shifts foreign perception of Australia towards an ever worsening state. This will undoubtedly contribute towards foreign governments capacity to further undermine Australia on the international stage and the institution of containment policies.

The policy allows for the arbitrary arrest, indefinite questioning and detainment of psychiatrically ill minors. Australia currently lacks a skilled workforce capable of undertaking questioning of this nature. Only Forensic Child and Adolescent Psychiatrists should undertake this type of work. Unfortunately we have so few even a woodshop teacher can count them on their fingers and toes. You can compulsorily question a psychotic patient who thinks the government is out to get him and he can be barred from informing his psychiatrist that they are actually out to get him.

The radicalized youth mentioned in the explanation of the bill was a Kurdish minor from Iraq who transited through Iran. He attended a Hizb ut-Tahrir meeting at Parramatta Mosque shortly before the attack. Careful reading of the foundational works of Hizb ut-Tahrir will reveal it is a marxist organization masquerading as an Islamic organization that claims Marxism is the True-Islam. I would direct this particular concept from their literature at the leader of the opposition: the party must have an ideal because reality is depraved and the people need an ideal to aspire for something better. It is closer to the principles of Mao's cultural revolution or Bolshevism than to anything espoused by the Australian Federation of Islamic Councils. This is not to suggest current groups are of Chinese or Russian origin because anyone can use any ideological framework. Mainstream narratives of feminism, for example, have been hijacked to recruit women into ISIS affiliated groups. I submit that ASIO and Home Affairs have ancient intelligence that does not reflect reality, possibly compiled by American science-fiction writers. The conditions imposed on him would have been incredibly isolating. A minor who was probably exposed to terrible conditions in his formative years could not talk to anyone or access mental health services for treatment. Doing so would mean the deportation of his whole family.

As a simple matter of bringing domestic rhetoric in line with international security rhetoric, use the term, "so-called islamic." As a matter of doctrine Muslims aren't allowed to denounce others as fake Muslims because it will only lead to constant schisms and unproductive dialogue ie. "You are the Chinese spy!" "No you are the Chinese spy!" Not even the perpetrators of the seizure of the Grand Mosque were denounced as munafiq. This terminology is accepted by the Arab and majority muslim states. Call it, excuse the pun, "lunacy," rather than Islamic. People who purport to represent national security organizations need to stop feeding terrorist and extremist narratives.

The statement in the Home Affairs submission is misleading, "the apprehension power does not permit ASIO to detain the subject and they are free to leave (although there are separate offences for refusing to comply with a warrant)." I strongly advise the Minister not to mislead the public or parliament in his official capacity. The provisions permit unlimited questioning and detention on the whim of the Attorney-General. It would permit unlimited secret detention. Judicial controls are removed and a politician now appoints a person in place of a judge. Oh I know, that horrible part of the Constitution granting the Supreme Court complete jurisdiction and those horrible judges ruining prosecutions with their silly notions of equity and justice. Letting criminals go free after brief stints of only a few decades behind bars. Turning Australia into South Africa or somesuch with land title claims. The judiciary and law in general really is just the worst. it'd be so much easier if we just replaced them with civil servants on visas so they can't vote and we can ship them back to Africa if they don't follow orders.

To avoid sanctions, international condemnations, and containment, reservations needs to be entered at the UN for each relevant international agreement stating that Australia reserves the right to pass laws making it unlawful to lodge a human rights complaint. No such reservation curently exists.

The deffinition of, "politically motivated violence," is absurd. Under this new deffinition, doing or saying anything that "recklessly," could improve the security of a foreign state more than the security of Australia is punishable. Do you mean to apply the subjective interpretation of recklessness? Under this legislation, Bill Murray would be considered a terrorist for stating that he wishes for, "world peace," in Groundhog Day. Simply taking private notes on a subject becomes a terrorist offense. The compulsory questioning may occur before charges have been laid. The defence that a person is only repeating publicly available information is not a defence against being perpetually arbitrarily detained under the pretense of compulsory questioning. Advocating for international co-operation, established mechanisms, and peaceful dialogue to resolve conflict would also be illegal, with many states experiencing a greater degree of internal conflict than Australia, thus advantaging other states more than Australia. I would be prohibited from questioning the prudence of international trade deals, under threat of arbitrary detention and compulsory interrogation. I would similarly be prohibited from most activities due to the unnecessary cognitive overhead of needing to carefully consider every action, performing ridiculous ethical algebra, to determine the potential 'objective' recklessness in regards to whether I am at all times promoting domestic national security. Effectively all crime, including jaywalking or simply looking or acting out of the ordinary could take police time away from other investigations hence compromising national security and being captured under this deffinition.

I am also extremely disturbed by the recent condemnation of an Australian police officer for showing support for Hong Kong Police in a photo published in an international policing magazine. He, like they did, carries out orders to protect law and order but this would be defined as an act of Politically Motivated Violence. This will severely damage international co-operation in policing and therefor Australia's internal security.

The various notes to the legislation should be incorporated into the legislation as subsections rather than notes. In general many of the notes are a clear violation of elementary law. Requiring the accused to prove that they do not know about explosives. Requiring a person to prove that they are not working for a foreign government etc. These provisions are non-disprovable. In sane people law, generally the accuser must provide evidence to substantiate the accusation not for the accused to be required to prove their innocence.

As a crazy person, this just seems like the beginning of Aktion T4. The specifics of this bill need to better focus the use of the powers on serious threats to national security and a return to the judiciary as the source of law instead of the corrupting influence of centralized executive authoritarianism through

administrative law ie. lay-persons interpreting and applying the law like the French. I am terrified that the government is going to shoah me and the judiciary are the only defense.

Robert Heron

