

Commonwealth Parliament

Dear Commonwealth Inquiry Committee

Thank You for the important Work You do.

This Submission is for the following Inquiry:

“Terms of Reference:

Pursuant to section 7 of the Parliamentary Joint Committee on Law Enforcement Act 2010, the committee will inquire into and report on the operation of the Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019 (SOSI Act), with particular reference to whether the SOSI Act has:
appropriately streamlined the process by which the Australian Criminal Intelligence Commission (ACIC) Board determines to authorise the ACIC to undertake a special operation or special investigation;
ensured the validity of, at that time, current, former and future special operation and special investigation determinations of the ACIC;
effectively achieved its aim of enabling the ACIC to continue to fulfil its statutory obligations without interruption; and,
any other relevant matter.”

This Submission asks for this Inquiry to inquire into the circumstances of what happened to NSW Upper House Parliamentarian Mr Shaoquett Moselmane as a potential example of a special operation and special investigation involving Members of ACIC, Australian Criminal Intelligence Commission’s Board, namely ASIO and AFP, which not only had adverse consequences for Mr Moselmane, but also for ASIO and AFP, in the media and consequential fallout.

If this particular operation can be examined as a useful general case study in what to avoid and in how to effect more efficient use of co-ordinated criminal intelligence knowledge\powers in authorising a special operation\investigation, it would be a worthwhile exercise of the Inquiry’s Time and resources to improve ACIC’s operations and special investigations.

Any ‘streamlining’ effected by the SOSI Act Amendments to ACIC’s establishing, empowering, legislation should not have been, and should not be, used to effect a political advantage of any kind.

ACIC’s authorising process should not be rampant without further Public\Parliamentary scrutiny in order to avoid victimising Members of the Public who exercise valid dissent to the dominant politic of the day. Any exercise of parliamentary delegated executive, administrative power should be qualified in the context of First Nations Sovereignty and should in no way be adverse to Our First Nation’s Community aspirations to achieve properly recognized Sovereign People’s Rights consistent with the UNDRIP.

I request of the inquiry to add to this initial Submission with supplementary information.

Yours in Community
dominic WYKanak, 23 April 2021