

Submission re Australian Security Intelligence Organization Amendment Bill 2020

A lot of what Mr Dutton has said about this Bill is misleading.

He claims the Bill is necessary because wider range of security challenges than at any time in its 70-year history. However he also reveals that ASIO's compulsory questioning framework has been used "sparingly", He stated in his second reading speech that the last questioning warrant was used in 2010, and indeed that "No questioning and detention warrants have ever been sought by ASIO".

Therefore ASIO is clearly not under much pressure at all with regard to questioning. That makes his request to be allowed to arbitrarily detain and question children as young as 14 with the option of not having any lawyer or parent/guardian present alarming. None of the other states in the 5 eyes agreement permit this.

His claim that the bill strengthens legal rights during question is not credible. If a lawyer can be removed by the officer doing the questioning if the officer feels the lawyer is being obstructive, then that violates any notion of right. In fact it opens the door wide to questioners cooking up statements, and imperils our security as a result.

He refers to "non intrusive" tracking devices. This language is deceptive. If someone is being tracked that is inherently an intrusion on their right to privacy. Even more so if it is done by stealth. It would for instance, allow a child to be detained and intimidated for questioning then permit a tracking device to attached to them and spy on their family. That is not the behavior we would expect of a democracy, that is supposed to be open and transparent. It is repulsive and dangerous. It would allow unscrupulous operatives opportunity to carry out mischief.

Under the current leadership, this is quite likely.

I note the abysmal failure of the Minister's Department to do anything constructive during the bushfire crisis, and the Ruby Princess fiasco. Both of these did great harm to Australia and the immense resources spent of the security agencies proved to be a total waste of money. The Minister himself has a proven track record of dishonesty and racism. He has presided over blatant racketeering re offshore immigration detention services in PNG. If he does not comply with the Migration Act by June 26th he faces a charge of contempt of court.

To award a department headed by such an untrustworthy Minister will harm Australia's security more deeply than any foreign power or terrorist could. I recommend this bill be rejected. In its place, great oversight of ASIO and answerability to Parliament is what this country needs, to restore confidence in that we do have an open, transparent, and above all, honorable government.

Dr Niko Leka
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