



Submission No 161

Inquiry into potential reforms of National Security Legislation

Organisation: The Religious Society of Friends

THE RELIGIOUS SOCIETY OF FRIENDS

QUAKERS

WEST AUSTRALIA REGIONAL MEETING

To: The Parliamentary Joint Committee on Intelligence and Security

Re: **Inquiry into the Potential Reforms of National Security Legislation.**

We wish to make the following submission to the Inquiry on behalf of West Australian Quakers:

We understand that the Government has decided that, owing to the emergence of new technologies of communication, the security agencies do not have sufficient powers to intercept activities that might compromise national security. There are four pieces of legislation that are to be amended to achieve this – the Telecommunications (Interception and Access) Act 1979; the Telecommunications Act 1997; the Australian Security Intelligence Organisation Act 1979; and the Intelligence Services Act 2001.

In a Discussion Paper prepared for the Committee, the following points are made:

- We have developed significant national security capability against terrorism, espionage and serious crime. Our challenge is to ensure that our capability evolves with high levels of adaptability.
- Law enforcement and intelligence agencies must be equipped with contemporary skills and technologies to meet emerging challenges.
- The amendments are intended to respond to threats from international state and non-state actors, especially in relation to cyber crime.
- Interception is the most important tool in the investigation and prosecution of serious and organised and other technology-enabled crime, and in collecting security intelligence.

The Government has identified three areas in which it seeks the Committee's response:

- (a) Matters the Government wishes to progress – issues around privacy protection, warrants, record-keeping standards, and oversight by the Ombudsman; reducing the number of agencies eligible to access communications information; and increasing co-operation and reducing duplication across agencies.
- (b) Matters the Government is considering – issues around single warrants with multiple powers;
- (c) Matters on which the Government seeks views – issues around expanding the basis of interception; instituting industry response timelines; and applying data retention periods for up to 2 years.

Our concerns:

WA Regional Meeting of the Society of Friends are concerned about the proposed National Security Legislation.

1. WARM F/friends are concerned about the extent to which the legislation may compromise the human rights of Australians, and whether the extra powers are really needed, given the wide range already available.
2. In addition, WARM F/friends are concerned that increasing the allocation of such powers to these agencies tips the balance too far towards the state rather than the individual and places too much emphasis on security at the expense of education and building community harmony.
3. We also note that holding of personal data for as long as two years makes it more vulnerable to hacking and inappropriate use.
4. Regular Parliamentary scrutiny of intelligence and security agencies is essential.

We have minuted these concerns in our Meeting for Worship for Business of 5th August 2012 and have encouraged individual f/Friends to make a submission to the Parliamentary Committee, with a copy to their Federal Member of Parliament.

More detailed points:

We note that the Quaker Peace and Legislation Committee (national) has previously submitted a response to the National Human Rights Consultation in 2009. This document provides detailed arguments in relation to the Human Rights concerns relating to anti-terrorism controls (*see attached*)

Prepared by

WARM Clerking Team
20th August 2012